

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT MILLER, an individual, MICHAEL
SPAULDING, an individual,

Plaintiffs,

v.

KSHAMA SAWANT, an individual. CITY OF
SEATTLE, a municipal corporation,

Defendant.

NO. C18-0506MJP

DECLARATION OF DANIEL A. BROWN
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

**Noted for Consideration:
February 3, 2023**

I, Daniel A. Brown, declare as follows:

1. I am a member at Williams Kastner, attorneys for Plaintiffs in this action, and I make this declaration based on my personal knowledge. If called to testify I would be competent to do so.

2. Attached hereto as Exhibit A is a true and correct copy of the Transcript of Deposition of Defendant Kshama Sawant, dated January 12, 2023.

3. Attached hereto as Exhibit B is a true and correct copy of a MyNorthwest article, "Attorneys Weigh In on Police Officers' Lawsuit Against Kshama Sawant," dated August 22, 2017.

DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 1
(2:18-cv-00506-MJP)

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 The foregoing statement is made under penalty of perjury under the laws of the United
2 States of America and is true and correct.

3 DATED this 30th day of January, 2023, at Seattle, Washington.

4
5 s/Daniel A. Brown
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DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 2
(2:18-cv-00506-MJP)

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

s/ Daniel A. Brown
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DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT - 3
(2:18-cv-00506-MJP)

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Exhibit 1

Kshama Iyengar Sawant

January 12, 2023

Page 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT MILLER, an individual,)	No. 2:18-cv-00506
MICHAEL SPAULDING, an)	MJP
individual,)	
Plaintiffs,)	
vs.)	
KSHAMA SAWANT, an individual.)	
CITY OF SEATTLE, a municipal)	
corporation,)	
Defendants.)	

Deposition Upon Oral Examination Of
KSHAMA IYENGAR SAWANT

January 12, 2023
601 Union Street, Suite 4100
Seattle, Washington

REPORTED BY: PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR,
29906/No. 2704

Kshama Iyengar Sawant

January 12, 2023

Page 2

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 25

Page 3

1 EXHIBITS
 2 NO. DESCRIPTION MARKED
 3 1 Defendant Kshama Sawant's Answer 42
 4 and Affirmative Defenses to
 5 Plaintiffs' Third Amended Complaint
 6 2 Third Amended Complaint and Jury 42
 7 Demand
 8 3 Transcript of Recording Entitled: 42
 9 "CM Sawant 02-25-16 Speech"
 10 4 Plaintiffs' First Written Discovery 42 13:07:57
 11 to Defendant Sawant and Defendant's
 12 First Supplemental Responses and
 13 Objections
 14 5 Audio recording (postmarked.)
 15 6 Local News The Seattle Times, 'Black 52 13:08:56
 16 Lives Matter' protesters demand
 17 firing of police chief after fatal
 18 shooting
 19 7 Final Interrogatories to the Inquest 53
 20 Jury 13:09:04
 21 8 Declaration of Kshama Sawant in 53
 22 Support of Defendant Sawant's Motion
 23 for Summary Judgment
 24 9 November 14, 2017, email to Kshama 70
 25 Sawant from Adam Ziemkowski 13:09:20

Page 4

1 EXHIBITS CONT'D
 2 NO. DESCRIPTION MARKED
 3 10 Merriam-Webster excerpt definition 91
 4 "murder"
 5 11 Merriam-Webster excerpt definition 91
 6 "unlawful"
 7 12 Merriam-Webster excerpt definition 91
 8 "wrongful"
 9 13 Merriam-Webster excerpt definition 91
 10 "criminal"
 11 14 KUOW article, "Inquest jury finds 141
 12 Che Taylor posed a threat to Seattle
 13 Police
 14 15 Transcript Excerpt of Recorded 147
 15 Facebook Post Entitled: KOMO News
 16 was live - at Magnuson Park,
 17 June 20, 2017, Rally and vigil for
 18 Charleena Lyles
 19 16 Video recording (postmarked.)
 20
 21 EXAMINATION
 22 BY PAGES
 23 ATTORNEY SINGLA 5 - 174
 24
 25 ***** (* Denotes phonetic spelling.)

Page 5

1 Seattle, Washington; Thursday, January 12, 2023
 2 1:08 p.m.
 3 -----
 4 KSHAMA SAWANT: witness herein, having been
 5 duly sworn by the Court Reporter
 6 testified as follows:
 7
 8 * * *
 9 E-X-A-M-I-N-A-T-I-O-N
 10 BY ATTORNEY SINGLA:
 11 Q. Good afternoon, Councilmember. My name is
 12 Sumeer Singla. I work for Williams, Kastner, & Gibbs,
 13 and my firm represents the plaintiffs in this case,
 14 Officer Spaulding and Officer Miller.
 15 Before we get started, have you ever had
 16 your deposition taken before?
 17 A. Yes.
 18 Q. How many times?
 19 A. Once.
 20 Q. And when was that?
 21 A. I don't remember exactly when, but maybe a
 22 year, maybe a couple of years ago.
 23 Q. And what was that regarding, that deposition?
 24 A. That was regarding a campaign, public
 25 campaign that my office was involved in in relation to

2 (Pages 2 to 5)

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Kshama Iyengar Sawant

January 12, 2023

Page 6

1 the Showbox Building.
 2 Q. Was that part of a lawsuit, or just part of
 3 an investigation?
 4 A. I believe it was part of an initial
 13:09:36 5 investigation the opposing counsel was doing in
 6 preparation for a lawsuit, but I couldn't tell you
 7 precisely.
 8 Q. Okay. So you kind of understand how this is
 9 going to go. And that's the only time you've been
 13:09:48 10 deposed?
 11 A. That's correct.
 12 Q. So to set the ground rules, I'm going to ask
 13 a series of questions. You are under oath, so you'll
 14 have to answer those questions. Mr. Iglitzin is going
 13:10:01 15 to make some objections, and that's to preserve the
 16 record. You still have to answer those questions,
 17 despite the objections. There may be some objections
 18 he makes directing you not to answer the question
 19 based upon privilege, and I'll leave that between you
 13:10:19 20 two to work out.
 21 I'm going to assume you understand my
 22 question if I get an answer from you. If you don't
 23 understand my question, just let me know. I'm more
 24 than happy to rephrase it or explain a little bit
 13:10:33 25 more. Fair enough?

Page 7

1 A. (Witness nods head.)
 2 Q. The other thing we're going to have to do --
 3 Dmitri knows exactly where I'm going -- is no head
 4 nods, no um-hums, uh-uh. We'll have to do a yes or
 13:10:43 5 no, because everything is going to be written down by
 6 the court reporter. If we were on video, we could
 7 maybe get away with it a little bit. But she's, the
 8 court reporter is looking at me saying, Yeah, maybe
 9 not.
 13:10:55 10 A. Um-hum, understood.
 11 Q. Before we get started, let's put your full
 12 name on the record, and spell your last name.
 13 A. My full name is Kshama Iyengar Sawant, and my
 14 last name is spelled S-a-w-a-n-t.
 13:11:09 15 Q. Okay. And my understanding is that -- well,
 16 we're going to start with your educational background.
 17 My understanding is you have a bachelor's degree in
 18 computer science; is that right?
 19 A. Computer engineering, yes; but...
 13:11:25 20 Q. When did you get that degree?
 21 A. In 1994.
 22 Q. From where?
 23 A. India.
 24 Q. Where in India?
 13:11:31 25 A. University of Mumbai.

Page 8

1 Q. And I'm going to go a little bit back.
 2 Before your degree from University of Mumbai, where
 3 did you go to school?
 4 A. At St. John's High School.
 13:11:50 5 Q. Where was that?
 6 A. In Mumbai.
 7 Q. What did you do after you obtained your
 8 computer engineering degree in 1994?
 9 A. I worked for maybe close to two years, and
 13:12:09 10 then after that, I moved to the United States upon
 11 marriage.
 12 Q. And where did you work for those two years?
 13 A. The last place I worked at was a place called
 14 DCS, Data Consulting Services, and before that, I was
 13:12:38 15 at a place called Bellwether Technologies, which was
 16 the place where I worked for the longest period.
 17 Q. And what kind of work did you do?
 18 A. It was software development and design.
 19 Q. And was that in India?
 13:12:51 20 A. Yes.
 21 Q. In Mumbai?
 22 A. Yes.
 23 Q. Where did you move to when you moved here
 24 into the United States?
 13:12:58 25 A. North Carolina.

Page 9

1 Q. That would be approximately 1996?
 2 A. Yes.
 3 Q. Did you work in the computer industry when
 4 you were in North Carolina?
 13:13:10 5 A. I did work there.
 6 Q. Where?
 7 A. At Nortel Network.
 8 Q. Where in North Carolina did you move to?
 9 A. In the Raleigh-Durham area. It's called "The
 13:13:24 10 Triangle."
 11 Q. And how long did you work for Nortel?
 12 A. Probably for a year and a half or so, and --
 13 yeah. I mean, I couldn't tell you, exactly, but along
 14 that time.
 13:13:40 15 Q. I don't need the exact dates. Just kind of
 16 an approximation. I'm trying to kind of understand
 17 your background.
 18 My understanding is you started your Ph.D.
 19 program in North Carolina; right?
 13:13:53 20 A. I did.
 21 Q. Where was that?
 22 A. At North Carolina State University.
 23 Q. And how long did that take?
 24 A. So I enrolled in the program in 2000. And I
 13:14:09 25 was taking some classes before then, but I, you know,

3 (Pages 6 to 9)

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Kshama Iyengar Sawant

January 12, 2023

Page 10

1 enrolled in the master's program, and then went on to
 2 doing my Ph.D. And I moved to Seattle as I was doing
 3 my final work on my dissertation.
 4 Q. Were you working during that time?
 13:14:27 5 A. I was, on campus.
 6 Q. Oh, okay.
 7 A. It was, it was a fully funded Ph.D. program,
 8 and part of that was for me to work either as a
 9 teaching assistant or research assistant. And I
 13:14:41 10 worked in both functions at different times.
 11 Q. Let's button this up. When did you move to
 12 Seattle?
 13 A. I moved in 2006.
 14 Q. Okay. Now I'm going to go back to your
 13:15:00 15 teaching responsibilities while you were in your Ph.D.
 16 program. What did you teach?
 17 A. I taught various classes in economics.
 18 Q. Can you give me an idea what kinds of
 19 classes?
 13:15:11 20 A. Yes. Microeconomics, macroeconomics,
 21 something called mathematical economics or mathematics
 22 for economists. It's called in different ways.
 23 Q. Were you the professor or teaching assistant?
 24 A. I was the professor.
 13:15:31 25 Q. And what kind of research assistant jobs did

Page 12

1 Q. Okay. Any kind of classes dealing with the
 2 law during your engineering program?
 3 A. No.
 4 Q. Now, coming to your program when you are
 13:16:56 5 getting ready to get into your master's and your
 6 Ph.D., did you take any law classes at that time?
 7 A. There weren't any law classes, because it was
 8 an economics program, but it's not uncommon in the
 9 economics program to have classes that focus on the
 13:17:12 10 economics of any particular area; like for example,
 11 environmental economics or economics of a particular
 12 industry. So similarly there were classes being
 13 offered like related to law, so I did take one
 14 law-in-economics class.
 15 Q. Right. That's where I was going to go. So
 16 there's classes like law in economics, if you are
 17 getting an MBA. There's a business law class. Any
 18 kind of classes you took, if you remember?
 19 A. That's what I'm saying. I took one
 13:17:44 20 law-in-economics class in my graduate program.
 21 Q. What did that entail?
 22 A. It was to look at how economic outcomes, you
 23 know, macroeconomic, and even microeconomic in terms
 24 of individual behavior, how they might be related to
 13:18:03 25 current -- the status quo of the law. But it was

Page 11

1 you do?
 2 A. I did research for Dr. Robert Clark, who was
 3 also my principal dissertation advisor, and his
 4 research -- and so I assisted him in his research.
 13:15:48 5 Q. And what kind of research was that?
 6 A. His area of focus was on the economics of
 7 aging, and so it was to do with various aspects of
 8 statistical analysis and other economic analysis
 9 related to economics of aging.
 13:16:10 10 Q. Now I'm going to take you all the way back to
 11 your BA program when you were in Mumbai. Did you take
 12 any classes, law classes at that time?
 13 A. I did not.
 14 Q. Any business law classes?
 13:16:26 15 A. No.
 16 Q. International --
 17 A. Just to clarify. It was not a BA. It was a
 18 bachelor of engineering.
 19 Q. Bachelor of engineering. BA is bachelor of
 13:16:35 20 arts.
 21 Any economics classes -- not economics,
 22 business law classes in your engineering program?
 23 A. No.
 24 Q. Any international law classes?
 13:16:44 25 A. No.

Page 13

1 mostly economics, not law.
 2 Q. Okay. That's fair enough. Any international
 3 law classes?
 4 A. No.
 13:18:15 5 Q. Any criminal law classes?
 6 A. No.
 7 Q. Fair to say you haven't been to law school?
 8 A. It is accurate to say that I have not been to
 9 law school.
 13:18:23 10 Q. And you are not a lawyer?
 11 A. I'm not a lawyer.
 12 Q. You are not a judge?
 13 A. No.
 14 Q. Okay. What did you do when you moved to
 13:18:33 15 Seattle in 2006?
 16 A. I was still working on my dissertation at
 17 that time, so that was my primary responsibility.
 18 Q. And how long did you work on your
 19 dissertation?
 13:18:46 20 A. I was working on it and then I was also doing
 21 some internship type of work, and also just looking
 22 for political organizations around that time. So I
 23 defended my dissertation in 2008.
 24 Q. Okay. And what did you do after that?
 13:19:13 25 A. I -- just the process of the dissertation is,

4 (Pages 10 to 13)

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Kshama Iyengar Sawant

January 12, 2023

Page 14	Page 16
<p>1 I mean, it goes in this way: First, you defend your 2 dissertation, so that's what I did in 2008. And that 3 is pretty much the final step in terms of getting your 4 dissertation, but it doesn't finally get entered as a 13:19:37 5 dissertation until you finish the writing of it. From 6 the time I defended my dissertation till early 2010, I 7 think which is when my dissertation officially got 8 recorded, so that's what I was working on. 9 Q. So between 2006 and 2010, were you employed 13:19:54 10 anywhere in the city of Seattle? In Washington state, 11 I should say. 12 A. No, I was not employed. 13 Q. My understanding is after -- so would it be 14 fair -- my understanding is you taught some classes at 13:20:06 15 some local colleges and universities here in 16 Washington state; is that correct? 17 A. That is correct. 18 Q. And where did you teach? 19 A. I believe I started in 2010, and I started in 13:20:18 20 various locations. One was at Seattle Central 21 College. One -- and not one, as in many classes, but 22 one of those places was Seattle Central College. 23 Another place was Seattle University, and another was 24 the University of Washington in Tacoma, and I also 13:20:39 25 taught classes at University of Washington. You know,</p>	<p>1 campus, you were teaching in one or more of those 2 places? 3 A. That's correct. 4 Q. And what were you teaching? What kind of 13:22:09 5 subjects were you teaching? 6 A. Overall, I would say, if you combine all of 7 the teaching I did, primarily it's microeconomics and 8 macroeconomics, because those are basic classes that 9 all students who want a major have to take. But I 10 also taught, like, for example, in the University of 11 Washington Tacoma, I taught a class on global poverty 12 and another class on the political economy of India. 13 And I also taught some statistics classes at UW 14 Tacoma. 15 Q. So this is going to be a little bit of a 16 broader question. Between 1996, when you came over to 17 the United States, until 2016, did you ever serve as a 18 judge in the United States? 19 A. No. 20 Q. Did you ever serve as a lawyer? 21 A. No. 22 Q. Did you ever serve as a legal advocate of any 23 kind? 24 A. No. 13:23:20 25 Q. In 2013, my understanding is you ran for the</p>
Page 15	Page 17
<p>1 I was invited as a guest lecturer at the University of 2 Washington in Seattle. 3 Q. I'm just going to give you a little bit of 4 forecast on where we are going to go. We're going to 13:20:55 5 break down each one of these. 6 When did you teach at Seattle Central 7 College? 8 A. I don't remember exact, the term of my 9 employment there, but it was around the time of 13:21:10 10 2000- -- in the period of 2010 to 2012. 11 Q. What did you teach? 12 A. Economics classes. 13 Q. What kind of economics classes? 14 A. I taught microeconomics and macroeconomics. 13:21:26 15 I think I also taught a class related to environment 16 economics, but I don't recall, exactly. 17 Q. And what about at Seattle U? When did you 18 teach there? 19 A. All those places were all around that time, 13:21:40 20 and there were periods when I was teaching classes at 21 more than one place. 22 Q. Fair to say, then, between 2010 and 2012, you 23 were teaching either at Seattle Central College, 24 Seattle University, University of Washington Tacoma, 13:21:56 25 or University Washington as a guest lecturer, the main</p>	<p>1 House of Representatives in the 43rd in 2012; is that 2 right? 3 A. That's correct. 4 Q. And then in 2013 you ran for city council; is 13:23:37 5 that right? 6 A. That is correct. 7 Q. Why did you run for city council? 8 A. It was a collective decision by my 9 organization, which I'm a part of, and we collectively 10 decided it was a good time to show an example of what 11 a genuine of representative of working people looks 12 like, what the campaign would look like, and how we 13 should push back against the status quo. 14 Q. I appreciate it was a collective decision. 15 My question wasn't whose decision it was. My question 16 was, why did you, Councilmember Sawant, personally 17 decide to run for city council? 18 A. As I said, I was among the members of 19 Socialists Alternatives, my organization, who all 20 believed, and that includes me, that it was a really 21 good moment to demonstrate what a genuine elected 22 representative looks like, or at the very least, show 23 what that campaign looks like. This was in the wake 24 of the occupy movement. 13:24:38 25 Q. Why you and not somebody else from that</p>

5 (Pages 14 to 17)

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Kshama Iyengar Sawant

January 12, 2023

Page 18

1 movement?
 2 A. That was not my personal decision.
 3 Q. Who made the decision to put your name up?
 4 A. The membership of Socialist Alternative voted
 13:24:49 5 on who the candidate should be.
 6 Q. And that was, they voted on you?
 7 A. Yes.
 8 Q. Why did you accept their vote?
 9 A. Because it was the correct thing to do.
 13:24:59 10 Q. What do you mean by that?
 11 A. One is because we are a democratic
 12 organization. Unlike the Democratic and Republican
 13 parties, we actually take the discussion that happens,
 14 the democratic discussion that happens in the
 13:25:18 15 organization very seriously, and we, we -- you know,
 16 it shows how political parties should actually
 17 operate, where the rank-and-file members have a say in
 18 who runs, what the campaign platform should be.
 19 Things like that.
 13:25:37 20 And suddenly if I didn't agree -- if I
 21 personally hadn't agreed with the idea that we should
 22 run a genuine campaign at this moment, then I would
 23 not have agreed. But I agreed with that decision, so
 24 I agreed with the overall decision, which included my
 13:25:55 25 candidacy.

Page 19

1 Q. Did you inform your membership that you were
 2 interested in being put up as a candidate?
 3 A. I did not.
 4 Q. Have you ever served on a jury in any
 13:26:10 5 context?
 6 A. I have not.
 7 Q. My understanding is you got elected in 2013
 8 and began your service in, I believe, 2014; right?
 9 A. That's correct.
 13:26:25 10 Q. Can you describe your understanding of your
 11 role as a city council member between 2014 and 2016?
 12 A. I can, except I'm not clear why you are
 13 demarcating that period, because I don't know that I
 14 would define my role differently in any given period.
 13:26:51 15 Q. You can wonder about that. That's the
 16 question I get to ask. My question is, between 2014
 17 and 2016, what did you believe your role was as a
 18 Seattle city council member?
 19 A. As any year in my nearly ten-year -- I mean
 13:27:11 20 ten-year, decade-long city council office tenure, in
 21 that period, just like in any other period of my
 22 tenure, I believed that my duty, political and moral
 23 duty was to serve working people and marginalized and
 24 oppressed communities.
 13:27:50 25 Q. Anything else?

Page 20

1 A. Well, it's a lot, but that encapsulates
 2 broadly the role we believe of an elected
 3 representative.
 4 Q. That sounds more like a philosophy on your
 5 governance. My question is more about, as a sitting
 6 city council member when you started in 2014, what did
 7 you believe your duties and your role was in the
 8 structure of Seattle city government?
 9 A. As I said before, I believe that at any
 13:28:28 10 moment an elected representative's role, an elected
 11 representative of working people, their role is to
 12 serve the people they claim to represent.
 13 So I can say that, specifically, in 2014,
 14 for example, we had just won our election campaign
 13:28:46 15 with a campaign platform that prominently brought up
 16 the question of the \$15 minimum wage. So concretely,
 17 the first task that my office -- when I say "we," I
 18 mean my office took on -- is the Fight for 15. For
 19 example, in the first few weeks of my first year, we
 13:29:07 20 launched the 15 Now campaign and launched the Fight
 21 for 15, alongside labor unions.
 22 Q. So let me try a different way. Do you
 23 believe you had to perform certain legislative duties
 24 as a Seattle city council member between 2014 and
 13:29:26 25 2016?

Page 21

1 A. Fighting for 15 was a legislative duty, so
 2 maybe you should define what you mean by "legislative
 3 duty," and then I can answer.
 4 Q. Sure. What do you think legislative duty
 13:29:38 5 means?
 6 A. To me, the role of a city council member as
 7 an elected representative is to fight for working
 8 people. Part of it is winning actual reforms, like
 9 \$15 an hour, like the Amazon tax. Those are concrete
 13:29:54 10 pieces of legislation. They're ordinances, so that is
 11 part of the legislative responsibility.
 12 I'm sure that other elected officials
 13 define it differently, so that's my definition.
 14 Q. My understanding of your definition is that
 13:30:09 15 you would be passing ordinances and other laws within
 16 the City of Seattle structure to forward your
 17 ideological beliefs. Would that be fair to say is
 18 your legislative duties?
 19 ATTORNEY IGLITZIN: I object to the form
 13:30:26 20 of the question.
 21 Q. Go ahead.
 22 A. Can you clarify what you mean by --
 23 Q. Well, I'm just trying to figure out what you
 24 just --
 25 ATTORNEY SINGLA: Well, actually, Madam

6 (Pages 18 to 21)

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January 12, 2023

Page 22

1 Reporter, do you mind reading back the answer,
2 councilmember's answer to, What do you believe the
3 legislative duties are.
4 (Reporter read back as requested
13:31:15 5 the last answer.)
6 Q. So I want to focus on that. One of the
7 things you said in defining it for yourself was that
8 you believe that part of your legislative duties was
9 passing concrete pieces of legislation and ordinances.
13:31:31 10 Would that be fair to say?
11 A. That's part of the legislative
12 responsibility, yes.
13 Q. Do you believe that setting the budget is
14 part of the legislative duties that you have as a City
13:31:42 15 of Seattle council member?
16 A. It's part of the work that the city council
17 as a whole, obviously to pass a budget, so that goes
18 without saying.
19 Q. And you sit as a city council member and are
13:31:56 20 engaged in participating in the discussions regarding
21 passing the budget; correct?
22 A. Sorry. Are you saying am I involved in the
23 discussion?
24 Q. Yes.
13:32:04 25 A. Yes, I am involved in the discussion.

Page 23

1 Q. And you vote on whether or not a budget is
2 passed; right?
3 A. Yes, that's -- every council member has to
4 vote on it.
13:32:13 5 Q. And part of the legislative duties for a city
6 of Seattle council member is also to pass regulation
7 and ordinances like we spoke about; right?
8 A. That's correct.
9 Q. And you participate in that process of
13:32:25 10 developing regulations and ordinances; correct?
11 A. Depends on which regulation and ordinance you
12 are talking about, but yes, in general, that's true.
13 Q. Any legislation and ordinance, even if it
14 comes out of committee, at the end of the day gets
13:32:42 15 voted by the entire council; right?
16 A. Yes. In the sense, when you say involved,
17 one might assume that it's a committee hearing. Not
18 all council members are in every committee.
19 Q. Right.
13:32:51 20 A. So in that sense, yes, when the vote -- when
21 the legislation finally comes to a vote to the full
22 city council, yes, my office reviews everything, and
23 then we decide which way to vote.
24 Q. And --
13:33:05 25 A. And in some cases, we are involved much more

Page 24

1 directly if we are in the committee.
2 Q. Right. So you get more involvement if you
3 are in a committee in formulating the legislation, and
4 a little bit less involved if the legislation comes
13:33:20 5 out of committee that you are not on, and then you get
6 to participate during the entire council meeting
7 process; fair to say?
8 ATTORNEY IGLITZIN: Object to the form.
9 And I wanted to ask you to pause for a
13:33:30 10 second after his question to give me a chance to
11 object, if I think it's appropriate.
12 Q. Would that be fair to say, the way that I
13 described?
14 A. Please repeat. Sorry.
13:33:39 15 Q. Sure. Absolutely. Your involvement in a
16 piece of legislation would be a little bit more if you
17 served on a committee where that piece of legislation
18 started, initiated, or was first reviewed, as compared
19 to your involvement in a piece of legislation if you
13:33:55 20 were reviewing it as part of the entire city council
21 when you were in the, what I would call, the committee
22 of the whole. Is that fair to say?
23 A. I think it would depend on what kind of
24 legislation we're talking about. Because the
13:34:15 25 involvement, as you are calling it, or I would say as

Page 25

1 a role of an elected representative I think is
2 partially determined by whether you are a member of
3 the committee or not, but it's also very much
4 determined by how important or relevant a given
13:34:35 5 proposed legislation is to working people. And so it
6 could -- my engagement on a particular issue wouldn't
7 just be limited to the committee. It could be
8 attending a town hall on the given issue, for example.
9 Q. Not talking about town halls. Not talking
13:35:00 10 about external. Right now I'm just talking about you
11 working in city hall and how legislation works and how
12 it moves through the process. Okay? So when it moves
13 through the process -- let me shift gears for a
14 second -- you have an opportunity to propose any
13:35:16 15 amendments that you would like to a certain piece of
16 legislation at a certain point during the process;
17 right?
18 A. Again, it depends if it is something that can
19 be presented as an amendment in that given situation.
20 Q. Right. So let me break it down for you even
21 further. When a piece of legislation comes to the
22 entire city council, the committee as a whole to be
23 voted on -- do you follow me so far?
24 A. Yes.
13:35:48 25 Q. When that piece of legislation or ordinance,

7 (Pages 22 to 25)

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Kshama Iyengar Sawant

January 12, 2023

Page 26

1 regulation, that is being proposed, comes to the city
 2 as a whole, you as a council member can propose any
 3 amendments that you would want to that legislation;
 4 correct? Is that true?
 13:36:08 5 A. I don't know what you mean by "any." It
 6 depends on what the situation is.
 7 Q. Well, if you wanted to change something that
 8 was in that legislation and that ordinance, you could
 9 process an amendment to change it; right?
 13:36:21 10 A. It depends on what the situation is. But if
 11 we -- if it was possible within the framework of that
 12 legislation, and if we felt -- "we," meaning my
 13 office -- felt it was warranted, then, yes, we would
 14 process a legislation -- I mean, an amendment.
 13:36:37 15 Q. Let me in ask it the other way. Nothing
 16 prevents you from proposing amendments to ordinances
 17 to a city charter; right?
 18 A. I don't know which amendments you are talking
 19 about.
 13:36:53 20 Q. Amendments to an ordinance. What I'm talking
 21 about is amendments to an ordinance. If a piece of
 22 ordinance comes up for your vote as a committee as a
 23 whole, nothing prevents you from proposing an
 24 amendment to that ordinance when you are sitting in a
 13:37:11 25 meeting of the whole; right?

Page 27

1 A. It's a question of whether we want to present
 2 an amendment or not. I'm not exactly sure if I
 3 understand. When you say "nothing prevents," what
 4 does that mean?
 13:37:25 5 Q. Is there any law or rule that prevents you
 6 from proposing an amendment? I know you may not want
 7 to do it, but is there anything that prevents you, as
 8 far as a law or a rule or anything in the charter?
 9 A. The charter says that you should present
 13:37:42 10 amendment -- I mean, not the charter says, but the
 11 understanding is that you would present amendments if
 12 they're relevant to that legislation.
 13 Q. And the same would apply to the city budget;
 14 right? If you wanted to present amendments to the
 13:37:56 15 city budget, you could do that; right?
 16 A. Yes.
 17 Q. Okay. Now, part of the policy, or part of
 18 the legislation or the policies that you would vote on
 19 or review when you are sitting on the committee of the
 13:38:13 20 whole, those policies includes policy governing police
 21 departments; right?
 22 A. The police department is one of the
 23 departments that the city council reviews the policies
 24 of.
 13:38:32 25 Q. And in doing that review, you, as a council

Page 28

1 member, would review the Seattle Police Department's
 2 policies and procedures if you wanted to; right?
 3 A. The city council does review policies and
 4 procedures. However, I believe that a lot of the
 13:38:52 5 discussion on that happens in the committee -- I'm
 6 forgetting exactly what it's called, but there's a
 7 committee of council members and the mayor, a few
 8 council members and the mayor, that go over the
 9 policies and procedures with the police guild.
 13:39:16 10 Q. Not talking about the police guild. I want
 11 to focus on the first sentence that you said in your
 12 answer, which is, the city council also reviews the
 13 policies and procedures of the Seattle Police
 14 Department. You, as part of the city council, one of
 13:39:33 15 nine members of the city council, you can also review
 16 the policies and procedures for the Seattle Police
 17 Department; correct?
 18 A. That is correct.
 19 Q. And if you wanted to offer any changes, you
 13:39:47 20 could formulate legislation in the form of an
 21 ordinance or a regulation to impact the change in the
 22 City of Seattle Police Department's policies and
 23 procedures; correct?
 24 A. I'm not actually sure how that process would
 13:40:00 25 be, so that is why I am not being -- I'm not being

Page 29

1 very exact about this, because I don't know exactly
 2 what you are asking, and I'm also not sure if at that
 3 level, we can do it.
 4 What I do know, and which I have done
 13:40:20 5 repeatedly and that's available for the public to see,
 6 is express my opinions on what, what kind of overview
 7 or review there should be of police policies and
 8 procedures, and overall what say ordinary people, you
 9 know, Seattle's voters should have on those policies
 10 and procedures.
 11 Q. We're not talking about expressing -- giving
 12 a speech in a city council meeting or expressing an
 13 opinion. What I'm talking about is actual votes;
 14 right? I'm talking about you taking action, so let me
 13:40:57 15 ask the question a different way.
 16 You, as one of nine council members, vote
 17 on who the chief of police is going to be; right?
 18 A. That is correct.
 19 Q. You, as one of nine council members, vote on
 13:41:09 20 what the budget for the Seattle Police Department is
 21 going to be; correct?
 22 A. That is correct.
 23 Q. You, as one of nine council members, in
 24 voting on the budget for the Seattle Police
 13:41:19 25 Department, have an understanding of how many Seattle

8 (Pages 26 to 29)

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Kshama Iyengar Sawant

January 12, 2023

Page 30

1 police officers are going to be hired as part of that
 2 budgeting process; right?
 3 A. That's correct.
 4 Q. And you also, you said that you also serve --
 13:41:31 5 as one of those nine council members, you also serve
 6 as a policy making role that oversees the Seattle
 7 Police Department; right?
 8 A. That is what I'm saying. I don't think that
 9 the -- I mean, at least to my knowledge, the city
 13:41:48 10 council -- when you say the police chief, yes, but I
 11 don't consider that a policy or procedure. When you
 12 say, how many police officers, which is discussed in
 13 the budget because that's part of the budget
 14 procedure, I don't consider that policy or procedure.
 13:42:03 15 I consider that -- you know, how many police officers
 16 is a very specific thing.
 17 Those kinds of things, yes, are routinely
 18 discussed every budget. Every year the budget
 19 discusses those things. Every time there is a police
 13:42:18 20 chief, you know, the need to appoint a new police
 21 chief, that comes to the city council, yes.
 22 Q. So my understanding is, it's your testimony
 23 here that you don't have any direct role in guiding
 24 policy for the Seattle Police Department?
 13:42:37 25 A. As an elected representative of working

Page 31

1 people, I do have a role in expressing my opinion on
 2 what I believe might be problematic in any given
 3 department, and that it needs to be changed.
 4 Q. Do you have a role in conducting
 13:43:02 5 investigations of agencies in the City of Seattle
 6 government?
 7 A. Can you explain?
 8 Q. Sure. The City of Seattle government has a
 9 number of agencies, from FAS to the human resources
 13:43:19 10 department to the public utilities, Seattle Police
 11 Department. It has a number of agencies; right?
 12 A. That's correct.
 13 Q. And do you believe that you, as a council
 14 member, have a role in overseeing those agencies?
 13:43:34 15 A. The agencies report to the mayor, and the
 16 city council has a role in trying to ensure that the,
 17 the requirements that have been set by the city
 18 council are being followed. For example, if, you
 19 know, in the budget vote, if a certain amount of money
 13:44:01 20 has been allocated for a certain task, then that
 21 review, okay, has that been accomplished and was that
 22 money used for that. That's an example of what you
 23 are talking about.
 24 Q. So how would one go about ensuring and
 13:44:16 25 overseeing the role that certain budgetary

Page 32

1 requirements -- let's just leave it at that for a
 2 second -- certain budgetary requirements were, in
 3 fact, being followed by an agency? My question was,
 4 what would the city council do, or what would your
 5 role be?
 6 A. I mean, it's a very sweeping question, so I
 7 don't know if you can narrow it down a little bit.
 8 Q. I'm just following along with your answer.
 9 You said that the agencies report to the mayor, the
 10 city council's role as far as overseeing is to ensure
 11 that the agencies are doing what the requirements are
 12 as they would be set by the city council through the
 13 budget process.
 14 So my question is: How does the city
 13:45:02 15 council go about ensuring that the agencies are
 16 following the requirements that were set by the city
 17 council through the budget process?
 18 A. One aspect of this is to use the, you know,
 19 the relevant committees and to bring back the
 13:45:24 20 questions that were -- like, for example, if there was
 21 an allocation done in a given budget, then go over it
 22 in a period of a few months to review it.
 23 And then the city council also relies on
 24 various kinds of staff, so the city council has the
 13:45:45 25 staff or the department staff themselves.

Page 33

1 But all of this is, the way you are
 2 defining it is narrowly in terms of what happens in
 3 the designated meetings. In my view, the role of an
 4 elected representative in terms of demanding
 13:46:07 5 accountability, especially with the police department,
 6 goes well beyond that. And in terms of really
 7 engaging working people, or the public, maybe you want
 8 to call it, in really understanding what's going
 9 wrong, what is -- and in some cases, what is
 13:46:29 10 completely broken and how it can be fixed.
 11 Q. I just want to be clear. I'm not defining
 12 anything. I'm just asking further questions based
 13 upon the answers that you are giving. Let me ask the
 14 next question.
 13:46:41 15 ATTORNEY IGLITZIN: I'm going to object,
 16 for the record. I think that's not a question, and
 17 it's sort of argumentative. You can believe you are
 18 doing whatever you believe you are doing, but you
 19 can't say that if it's a given.
 13:46:55 20 Q. I'm going to clarify. I'm not putting any
 21 definitions. If you think I'm putting a definition,
 22 you let me know, and I'll --
 23 A. I do think you are putting definitions.
 24 Q. Let me ask it this way: I'm going to
 13:47:06 25 separate your job when you are working as a city

9 (Pages 30 to 33)

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Kshama Iyengar Sawant

January 12, 2023

Page 34		Page 36	
	1 council member versus what you do external as far as	1	I've called for public hearings on various occasions.
	2 calling for town halls or calling for meetings. When	2	I also called for independent investigations on
	3 you are doing the work as a city council member in the	3	various occasions. And you can see that I have done
	4 legislative process, do you believe that that is	4	that. So if your question is, can you do that as a
13:47:26	5 the -- well, let me put it this way: Do you believe,	13:50:27	5 council member? Yes.
	6 aside from ensuring that agencies are adhering to the	6	Q. Okay.
	7 budget, the budget requirements that you've put into	7	A. But I want to be clear that what I have
	8 place, do you believe that you have any other role in	8	called for are either public hearings or independent
	9 overseeing agencies?	9	investigations. And I'm being very particular about
13:47:45	10 ATTORNEY IGLITZIN: I want to object. I'm	13:50:45	10 that terminology, because I actually don't believe
	11 trying not to make this be an argumentative objection.	11	that behind-the-scenes investigations yield anything
	12 I'm going to object that question has embedded	12	useful for working people. So when I say "independent
	13 premises that the councilmember has not agreed to.	13	investigation," what I mean, a publicly appointed
	14 Q. So let me rephrase the question, then. We	14	independent group of people, for example --
13:48:01	15 just got done talking about and discussing where you	13:51:07	15 Q. Okay.
	16 said that the agencies report to the mayor, and that	16	A. -- whose findings are available for the
	17 your job, you believe your job as a city council	17	public to see, and they can be a hearing on findings
	18 member in overseeing those agencies is to ensure that	18	and that kind of thing.
	19 they're meeting the requirements pursuant to the	19	Q. What do you mean by "public investigations"?
13:48:18	20 budgetary process.	13:51:19	20 A. That's what I meant. I meant public
	21 A. I did not exactly say that. I said the city	21	investigations or -- independent investigations is
	22 council has -- you know, does that overview.	22	what I've said, not public investigations.
	23 But the issue here is that, the way you	23	Q. So what I envision -- and I'm sure, I don't
	24 are defining -- and you are defining. You say you are	24	know, that would be assuming, and I'd probably get an
13:48:32	25 not defining, but you are defining -- it's one aspect	13:51:33	25 objection Dmitri, but have you seen the types of
Page 35		Page 37	
	1 of what I believe a city council member should do. So	1	hearings that Congress does from time to time on
	2 it's hard for me to answer these questions, because	2	certain issues, whether it be -- I don't know what
	3 you say, Well, but leave aside the external things, as	3	they're doing the hearings on this time. Whether it
	4 a council member this is what you do. But I do many	4	be the January 6th hearings, have you seen those
13:48:54	5 things as a council member.	13:51:49	5 hearings?
	6 Q. And we'll get to those. We'll get to the	6	A. I know that those hearings are happening.
	7 other ones. I just want to focus on this aspect for a	7	Q. Do you believe that the city council can
	8 moment. Okay?	8	conduct a hearing such as that January 6th hearing in
	9 So in this aspect, you are one of the nine	9	a public forum on a certain issue?
13:49:04	10 council members that wants to ensure that the agencies	13:52:02	10 A. I believe the city council can and should do
	11 are following the requirements that are set forth in	11	them, but they don't and they haven't really.
	12 the budget; correct?	12	Q. I want to shift gears a little bit and talk
	13 A. I don't assume that every other council	13	about your role in comparison as it relates to the
	14 member has the same goal as me, which is ensuring	14	chief of police. We mentioned -- we've talked about
13:49:22	15 accountability. In fact, I don't believe that.	13:52:29	15 the fact that you get to vote on the chief of police.
	16 Q. Are there any other ways that you,	16	Before you vote on the chief of police, have you
	17 Councilmember Sawant, believe that you have an	17	conducted meetings or interviews with the candidates?
	18 overseeing process for overseeing agencies, aside from	18	A. You mean on a separate occasion, or in
	19 the public process, just as a legislative process?	19	relation to the appointment?
13:49:45	20 I'll be more direct. Do you believe that you can call	13:52:45	20 Q. In relation to the appointment, first.
	21 for investigations of certain agencies and	21	A. Yes, in relation to the appointment, I have
	22 departments?	22	had meetings.
	23 A. I have called for public hearings, which is	23	Q. Okay. And so this would include, well, now
	24 my definition of what an -- and also of public	24	it's which Chief Diaz as of -- I don't know if he's
13:50:09	25 investigation -- or independent investigation, sorry.	13:52:59	25 been sworn in today or not, but it would be Chief

10 (Pages 34 to 37)

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Kshama Iyengar Sawant

January 12, 2023

Page 38

1 Diaz; right?

2 A. Chief Diaz is the latest one.

3 Q. And then it would be Chief O'Toole?

4 A. Chief O'Toole, Carmen Best before that.

13:53:14 5 Q. Right. So Carmen Best and Chief O'Toole

6 before that?

7 A. That's right.

8 Q. You had interviews with them before they were

9 selected as chief; correct?

13:53:23 10 A. I had meetings with Kathleen O'Toole and with

11 Carmen Best.

12 Q. And once they were appointed and voted in as

13 chief, did you continue to have meetings with Kathleen

14 O'Toole?

13:53:46 15 A. I'm not sure if I remember, but as far as I

16 can remember, I don't believe so. It may have been on

17 one or two occasions. I'm not sure.

18 Q. Did you have Kathleen O'Toole, Chief

19 O'Toole's cell phone number?

13:54:11 20 A. I don't think so, no.

21 Q. Did your staff have access to her contact

22 information, her cell phone number?

23 A. I'm not sure if they had her cell phone

24 number, but I know we had -- as a city council office,

13:54:26 25 of course my staff have contact information in

Page 39

1 general.

2 Q. Describe to me a little bit about the extent

3 of your interaction with Chief O'Toole when she was

4 chief for the Seattle Police Department.

13:54:44 5 A. My interaction with Chief O'Toole was

6 primarily when she would appear in committee to speak

7 to the city council members.

8 Q. And so that means that she gave presentations

9 to all of the city council members?

13:55:11 10 A. That's correct.

11 Q. How much access did your staff have with the,

12 I want to call it the upper brass, but with these

13 chiefs and assistant chiefs of the Seattle Police

14 Department?

13:55:32 15 A. When you say "access," you mean like, how

16 much contact did we have?

17 Q. Contact, yeah.

18 A. It's hard to quantify, when you say "how

19 much."

13:55:42 20 Q. Give me an idea. Was there regular email

21 exchanges? People picking up the phone and talking to

22 each other? Can you give me an idea?

23 A. I wouldn't call it "regular," but I also

24 wouldn't say that it was anything -- it wasn't

13:56:00 25 anything out of the ordinary in the sense that, in the

Page 40

1 sense that it wasn't anything extraordinary about that

2 particular department, because we as an office

3 consciously spend a lot of time talking to either

4 rank-and-file staff of departments or to ordinary

13:56:20 5 working people, as a whole, about what their

6 experience is as a result of city policy, because I

7 believe that is where our focus should be.

8 Q. Okay. So let me follow up on that. How much

9 contact did you have with rank-and-file officers at

13:56:35 10 the Seattle Police Department?

11 A. Not, not a whole lot.

12 Q. So that was part of the rank-and-file staff

13 you didn't have much contact with compared to others?

14 A. That is accurate, because the police

13:56:49 15 department is not the same as, for example, the human

16 services department or City Light. It's fundamentally

17 a different kind of department.

18 Q. It's an agency, part of the City of Seattle;

19 correct?

13:57:04 20 A. Formally it is, but the role of the police

21 that they play is quite different.

22 Q. It's an agency part of the City of Seattle;

23 right?

24 A. Yes, formally it is part of the City of

13:57:15 25 Seattle.

Page 41

1 Q. It's funded by the City of Seattle; right?

2 A. It is funded by the City of Seattle.

3 Q. The human services department is an agency of

4 the City of Seattle; right?

13:57:26 5 A. That's correct.

6 Q. And it's also funded by the City of Seattle?

7 A. That's correct.

8 Q. As a city council member, did you ever play

9 any role in determining whether a crime had been

13:57:51 10 committed within the City of Seattle?

11 A. I'm not sure what you mean by that.

12 Q. What part of my question didn't you

13 understand, so I can clarify?

14 A. What do you mean by "role"? Like "role,"

15 what do you mean?

16 Q. In your capacity as a Seattle city council

17 member, did you ever have an opportunity to make a

18 determination on whether or not a crime had been

19 committed in the City of Seattle?

13:58:20 20 A. If you -- if by "role" you mean was my office

21 involved in making a legalistic determination, then

22 the answer is no, because we're not lawyers.

23 Q. You do pass laws, though?

24 A. But that's a political action. It's not -- I

13:58:39 25 just mean that we're not trained lawyers to decide on

11 (Pages 38 to 41)

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Kshama Iyengar Sawant

January 12, 2023

Page 42		Page 44	
1	a legal basis, but we do have political opinions.	1	That is why I'm placing a lot of emphasis
2	Q. Let's separate that out for a second. I	2	on it being public, because that is at least a
3	didn't ask for the role. My actual question was, in	3	starting point to demand genuine accountability.
4	your capacity as a Seattle city council member, have	4	But I want to be clear that I don't
13:59:01 5	you ever made a determination on whether or not a	14:17:51 5	believe, one, that winning an independent
6	crime has been committed in the City of Seattle?	6	investigation is easy, because we haven't won that.
7	A. Well, I think it depends on what you mean by	7	So when I say there should be an independent
8	that. I mean, if you mean like a legalistic	8	investigation, I have said that, but I am one of nine
9	definition, then, no, we can't claim to do that	9	council members, and I don't -- we haven't won it, you
13:59:23 10	because we're not lawyers. However, we do have	14:18:07 10	know. But that is something that I feel and my office
11	political and social opinions about something that is	11	feels that should happen. And we have talked to many
12	completely unjust or outrageous or unacceptable.	12	people, and people may disagree on different things,
13	ATTORNEY IGLITZIN: Let me jump in for a	13	but they do agree that, yes, there should be this
14	second. Sumeer neglected to say earlier, if at any	14	public process of accountability.
13:59:43 15	point you need a personal break for any reason, you	14:18:24 15	Q. And the participants in that public process
16	should just say so. You are entitled.	16	should be impartial; correct?
17	Q. Do you want to take a break?	17	A. I don't think "impartial" is the word I would
18	A. Yes. I didn't know I was allowed to do that.	18	use, because the status quo is far from neutral. So
19	ATTORNEY SINGLA: How long do you need?	19	as a matter of fact, we need individuals and we need a
14:00:00 20	ATTORNEY IGLITZIN: Five to ten minutes.	14:18:44 20	whole process that whichever issue it might be talking
21	(Discussion off record.)	21	about understands what those issues are.
22	(Recess.)	22	Q. Okay. I'm going to start with, let's start
23	(Exhibits-1 through -4 marked.)	23	with, I'm going to put a few exhibits in front of you
24	Q. I want to start back and kind of go to	24	at the same time.
14:15:59 25	something that we talked about before the break,	14:19:07 25	ATTORNEY SINGLA: Dmitri, this is
Page 43		Page 45	
1	Councilmember. One of the things you said -- and I	1	Exhibit-1, and this is Exhibit-2.
2	just want to get it right and confirm it. One of the	2	ATTORNEY IGLITZIN: I'm sorry. Is the
3	things you said is that you do encourage in your role	3	answer and affirmative defense -2?
4	as a council member, to call for independent	4	ATTORNEY SINGLA: -2.
14:16:15 5	investigations. Do you remember saying that?	14:19:52 5	ATTORNEY IGLITZIN: And the third amended
6	A. That's correct.	6	complaint is?
7	Q. And my notes say that when you do that, what	7	ATTORNEY SINGLA: -1.
8	your understanding of independent -- what your	8	ATTORNEY IGLITZIN: Got it.
9	definition of independent investigations, and tell me	9	ATTORNEY SINGLA: And this is Exhibit-3.
14:16:29 10	if I'm wrong, what my notes say your definition of	14:20:03 10	Q. This is a lawyer question that all of us are
11	independent investigations is a publicly appointed	11	trained to ask. Have you ever seen these documents
12	independent group of people, the process is in public,	12	before, Exhibits-1 -2, and -3?
13	and then the findings are made publicly available; is	13	A. Well, I'm not a lawyer, so all of these
14	that correct?	14	documents are very opaque to me, but I believe I have
14:16:46 15	A. That's a big part of it, yes.	14:20:37 15	seen the first one that you handed out.
16	Q. Anything else?	16	ATTORNEY IGLITZIN: I'm sorry. Is that
17	A. Nothing specifically. I only meant that	17	Exhibit-1?
18	ultimately, because we are talking about a deeply	18	ATTORNEY SINGLA: Exhibit-1, yeah, the
19	unequal system that we live in, capitalism, that shows	19	first one.
14:17:07 20	up in various contexts, and so it does matter who is	14:20:50 20	ATTORNEY IGLITZIN: Thank you.
21	appointed. So in other words, first of all, it	21	Actually, I'm sorry. Since I'm sitting
22	matters that the members of the public get to win an	22	next to Councilmember Sawant, it looks as if you've
23	independent investigation, and if it is won, then who	23	got the answer as Exhibit-1 and the complaint as
24	is part of that investigation, you know, who oversees	24	Exhibit-2.
14:17:33 25	it or who does conduct it.	14:21:09 25	ATTORNEY SINGLA: Is that right? Okay.

12 (Pages 42 to 45)

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Kshama Iyengar Sawant

January 12, 2023

Page 46

1 Let's do that.
 2 THE WITNESS: It's the other way around.
 3 ATTORNEY IGLITZIN: No. Exhibit-1 you
 4 believe you've seen before?
 14:21:26 5 THE WITNESS: I think so, but I can't be
 6 positive.
 7 ATTORNEY SINGLA: You are right. Sorry.
 8 Q. So let's start with these documents. You
 9 don't have to be a lawyer to understand these
 14:21:34 10 documents. These are just the initial complaint,
 11 which is what the allegations are alleged by my
 12 clients in this case, which is Exhibit-2; and
 13 Exhibit-1 is your answer; and Exhibit-3 is a
 14 transcript of your speech from February 25th of 2016.
 14:21:54 15 I kind of want to work through these documents.
 16 So I'm going to ask you to turn to page 5
 17 of Exhibit-2. I'll have you turn to page 5 of
 18 Exhibit-2, and I'm going to have you take a look at
 19 paragraph 37. This was the allegation my clients
 14:22:27 20 made, which was stated basically -- and I'm going to
 21 read a part of it, and then you can go ahead and read
 22 the rest -- "With gravitas established, she went on to
 23 pronounce Che Taylor's death a 'brutal murder' and
 24 product of 'racial profiling,' stating, in relevant
 14:22:48 25 part, as follows," and then there's a quotation with

Page 48

1 you and mark that as Exhibit-5.
 2 ATTORNEY IGLITZIN: That's -5, recognizing
 3 you are skipping over Exhibit-4?
 4 ATTORNEY SINGLA: Yes. Those recordings
 5 came from your office.
 6 ATTORNEY IGLITZIN: I don't doubt that we
 7 have them.
 8 A. Actually -- I was going to say, after you
 9 play and before you ask a question, can I take a break
 10 to talk to Dmitri?
 11 Q. I don't have a pending question. Why don't
 12 we do that now.
 13 A. Okay.
 14 Q. You can do that now.
 14:25:57 15 (Discussion off record.)
 16 Q. Councilmember, this is just going to be an
 17 exercise in just kind of affirming your speech from
 18 that day, which we have a recording on with a
 19 transcript, and seeing whether or not you hearing the
 14:26:10 20 speech and reading the transcript, you can affirm
 21 that's an accurate transcript of your speech.
 22 ATTORNEY IGLITZIN: I do want to clarify.
 23 I think that's right, since multitasking is hard for
 24 all of us, you are not actually asking her at this
 14:28:32 25 point to compare the language in paragraph 37 to the

Page 47

1 bolded words.
 2 Go ahead and read that, if you want, and
 3 let me know when you are done.
 4 A. I'm done reading.
 14:23:32 5 Q. Okay. Now, I want to go to No. 37 in
 6 Exhibit-1, which is on page 6. And this is what your
 7 answer, Councilmember, was to the specific allegation.
 8 What I want to kind of clarify, so we're
 9 all on the same page, the last sentence says:
 14:24:06 10 "Defendant denies that the quotations in paragraph 37
 11 are true and correct transcript of the speech, and, on
 12 that basis, denies paragraph 37." Do you read that?
 13 A. Um-hum. Sorry, yes.
 14 Q. And Exhibit-3 is your transcript of that
 14:24:22 15 speech. Go ahead and read that and confirm for me if
 16 that is a true and accurate transcript of your speech.
 17 It's three paragraphs.
 18 A. If you are asking if this is an accurate
 19 transcript, it generally reads like something I would
 14:25:09 20 agree with, but I haven't looked at the speech
 21 recently. I assume it is.
 22 Q. Also as part of discovery, we also got the
 23 audio recording of your speech as well. I was going
 24 to play that as well.
 14:25:25 25 ATTORNEY SINGLA: And we can email that to

Page 49

1 audiotape, so she can just look at the transcript?
 2 ATTORNEY SINGLA: Yes.
 3 ATTORNEY IGLITZIN: It's hard to look at
 4 two different transcripts at the same time.
 14:28:59 5 ATTORNEY SINGLA: Yes, I was going to
 6 break it down, so we didn't do that.
 7 Q. If you wouldn't mind looking at Exhibit-3 as
 8 I play Exhibit-5 and confirm for me that the audio
 9 recording of Exhibit-5 matches the transcription of
 10 Exhibit-3.
 11 A. Okay.
 12 (Audio playing.)
 13 Q. So we just got through reviewing Exhibit-5.
 14 Is there anything in that transcript on Exhibit-3 that
 14:29:13 15 needs to be changed?
 16 A. I don't believe so, from what I heard. I
 17 mean, it's possible that I didn't hear everything
 18 exactly. But as far as I heard, it looks, it looks
 19 accurate, compared -- I mean, with relation to the
 14:31:37 20 audio.
 21 Q. And then now what we're going to do, because
 22 we promised you we will break it down, now we're going
 23 to take Exhibit-3, and compare it to paragraph 37 of
 24 Exhibit-2. And not counting the first sentence that
 14:32:01 25 starts with "This" and ends with "nation," we don't

13 (Pages 46 to 49)

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Kshama Iyengar Sawant

January 12, 2023

Page 50

1 have to count that one. Starting with "The brutal,"
 2 do you follow me on line 5?
 3 A. Yes.
 4 Q. Would you agree with me that the paragraph
 14:32:15 5 where the sentence starting with "The brutal" all the
 6 way to the end, "racial profiling," is the same also
 7 in the transcript that we have been talking about in
 8 Exhibit-3?
 9 A. I believe that is matching the two things.
 14:33:50 10 ATTORNEY IGLITZIN: I just want to note
 11 that paragraph 33 indicates through ellipses where
 12 it's not included certain lines in the transcript.
 13 ATTORNEY SINGLA: Correct.
 14 A. And also there is -- you said review
 14:34:05 15 everything before that first sentence, so everything
 16 before that first sentence is the same.
 17 Q. Yes.
 18 A. But in that sentence, there's a difference.
 19 Q. In the first sentence, there is. That's why
 14:34:20 20 I said from the second sentence onwards.
 21 (Discussion off record.)
 22 Q. Sorry for the fits and starts. I want to
 23 compare that to your declaration, while Jessica is
 24 printing those out, so we can economize our time.
 14:35:23 25 Councilmember, the first question to wrap

Page 52

1 what you said in front of city hall about Che Taylor;
 2 right?
 3 A. I said -- yeah, I said this. This was -- or
 4 rather, this was a speech that I gave outside city
 14:37:04 5 hall at that rally.
 6 Q. Okay. And that was four days after the
 7 incident where Che Taylor had passed; correct?
 8 A. That's what I'm trying to say. I don't
 9 remember exactly the chronology of, you know, in terms
 14:37:25 10 of how many days passed and which date exactly it was,
 11 but I do know that this was the speech I gave at the
 12 Che Taylor rally outside city hall.
 13 (Exhibit-6 marked.)
 14 Q. This is going to be Exhibit-6. Do you see --
 14:37:52 15 this is a Seattle Times article from February 26th.
 16 Do you see that?
 17 A. I do.
 18 Q. Go ahead and take a look at that article, and
 19 then I'll ask a few more questions about it.
 14:38:04 20 A. (Witness complied.)
 21 Q. I'll represent to you, February 26th was a
 22 Friday. Would you agree with me, then, the rally
 23 happened on Thursday, February 25th?
 24 A. Yes.
 14:39:59 25 Q. I'm going to give you this. This will be

Page 51

1 this part up: The transcript, which is marked as
 2 Exhibit-3, is the speech that you gave in front of a
 3 crowd on February 25th of 2016; correct?
 4 A. The transcript Exhibit-3 matches the words
 14:35:44 5 that you played to me.
 6 Q. Okay. And that was on February 25th of 2016;
 7 correct?
 8 A. I mean, I don't remember the date offhand,
 9 but, yes, I know that was in 2016.
 14:35:56 10 Q. Turn to the first page. The first page of
 11 Exhibit-3, it says it's the transcript of the speech
 12 on February 25th. Do you remember giving a speech on
 13 February 25th?
 14 A. I remember giving a speech at a rally outside
 14:36:16 15 city hall on the issue of Che Taylor and the overall
 16 issues of the police department in relation to
 17 communities of color.
 18 Q. And that would be the speech that we're
 19 talking about, right, in Exhibit-3 that you gave?
 14:36:36 20 A. Like I said, this transcript matches what you
 21 played, but at this point after so many years, I can't
 22 remember if that was all of the speech or not. I'm
 23 saying, yes, that transcript matches the audio that
 24 you played.
 14:36:49 25 Q. And I'm trying to button it up. And that's

Page 53

1 Exhibit-7.
 2 (Exhibit-7 marked.)
 3 Q. And these are the final interrogatories to
 4 the inquest jury in this matter, Exhibit-7. I just
 14:40:26 5 want, as a frame of reference -- we are going to talk
 6 more about this later, but as a frame of reference,
 7 you would agree with me after reviewing even the first
 8 question on this, that the incident involving Che
 9 Taylor happened on February 21st of 2016; correct?
 14:40:49 10 A. Correct.
 11 Q. So the rally that you attended was four days
 12 after the incident with Che Taylor; correct?
 13 A. Correct.
 14 Q. You can put these aside for a second. We are
 14:41:33 15 going to mark Exhibit-8.
 16 (Exhibit-8 marked.)
 17 Q. We are going to talk about Exhibit-8 for a
 18 second. Now, Exhibit-8 is entitled, "Declaration of
 19 Kshama Sawant in Support of Defendant Sawant's Motion
 14:41:47 20 Support for Summary Judgment." Do you see that?
 21 A. I do.
 22 Q. Did you write this declaration yourself?
 23 A. I did.
 24 Q. So by writing it, you are the one who typed
 14:42:03 25 it up?

14 (Pages 50 to 53)

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Kshama Iyengar Sawant

January 12, 2023

Page 54

1 A. No. I mean, I did it with the assistance of
2 counsel.
3 Q. That's the distinction I want to kind of
4 figure out is, did you type this yourself -- and this
14:42:15 5 happens all the time -- or did your lawyers send you
6 something and then you affirmed it as your own
7 statements?
8 ATTORNEY IGLITZIN: Object to the form of
9 the question.
14:42:29 10 Q. Go ahead.
11 A. To be honest with you, I don't remember where
12 it was initiated. I do know that it's something --
13 it's a statement developed by me and my counsel
14 together.
14:42:56 15 Q. Okay. And then you at some point reviewed it
16 and adopted these statements as your own; correct?
17 A. When you say that at some point I adopted
18 this as my own, that would imply that my counsel wrote
19 things and then I agreed with them, or my counsel
14:43:28 20 decided what happened. That's not accurate.
21 Q. Okay.
22 A. It's the truth.
23 Q. Okay. So that's what I'm trying to get to
24 is, this is a declaration. It's got your signature on
14:43:40 25 it. If you take a look at page 5.

Page 55

1 A. Yes.
2 Q. And if you look at page 4, you say, "I
3 declare under penalty of perjury under the laws of the
4 United States...that the foregoing is true and
14:43:54 5 correct"; do you see that?
6 A. I do.
7 Q. So with your signature, you confirm that
8 everything from paragraph 1 through 14 was true and
9 correct; correct?
14:44:08 10 A. I do affirm.
11 Q. Okay. So that's what I'm getting to. So my
12 question was -- my question is this: Did you sit down
13 on a laptop and type up this declaration yourself from
14 a blank piece of paper?
14:44:31 15 A. As I said, I don't actually remember how much
16 of it I typed. But in all honestly, this is a
17 statement, as you yourself said, is something I've
18 signed and affirmed as truthful, and I think that that
19 is what matters.
14:44:54 20 Q. Not what matters. My question is: Your
21 answer is, you don't remember whether or not you typed
22 this out yourself; right?
23 A. I do remember that I wrote in relation to
24 this document, but I cannot honestly remember how much
14:45:15 25 of it was initiated in terms of words by my counsel

Page 56

1 and then me reviewing it, or me writing the initial
2 draft and sending it to counsel.
3 Q. Okay.
4 A. However, as I said, it is a statement from
14:45:34 5 me, as truthful by me.
6 Q. Okay. Let's go through your statement, and
7 I'm going to take you to page 3. I'm going to go to
8 paragraph 9. Do you see that?
9 A. I do.
14:46:00 10 Q. You write, and I'm going to read a few
11 sentences, "Alongside the protesters, I, too,
12 described the police killing of Che Taylor as a,
13 quote-unquote, murder. It was my opinion that
14 Taylor's death could fairly be described as,
15 quote-unquote, murder, by which, as a layperson, I
16 meant to convey that I believed the officers' actions
17 were wrongful and should be considered criminal." Did
18 I read that correctly?
19 A. Yes.
14:46:48 20 Q. I want to focus on starting with, "I meant to
21 convey" all the way to "criminal." Okay?
22 A. Okay.
23 Q. Now, when we're talking about you said you
24 believe the officers' actions, in that you are talking
14:47:05 25 about Officer Miller and Officer Spaulding's actions;

Page 57

1 correct?
2 A. As I later after I made the speech found out
3 their names, were what you just related. When I was
4 speaking at the rally, I had no knowledge of their
14:47:30 5 names, and I was talking about the death of Che
6 Taylor, which I believed to be wrongful and unjust.
7 So I was referring to that incident.
8 Q. When you are talking about -- I fully
9 appreciate that you found out their names later on.
10 In your declaration, when you are saying that you
11 believed the officers' actions, you were talking about
12 on February 26th, 2016 -- on February 25th, 2016, you
13 were talking about the officers that shot Che Taylor;
14 right?
15 A. The complete answer to your question is, I
16 was talking about Che Taylor, because that was, that
17 was the incident that had happened recently. But as
18 you just played my speech, I'm clearly talking about
19 Che Taylor's demise as part of a systematic problem of
20 the police department targeting people of color.
21 Q. Now, this is your deposition -- I mean, this
22 is your declaration under oath. You just told me this
23 was the truth. You filed it three days ago. And in
24 that declaration under oath, you said that it was your
14:48:53 25 opinion when you were sitting there with the

15 (Pages 54 to 57)

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Kshama Iyengar Sawant

January 12, 2023

Page 58

1 protesters, that you could fairly -- Che Taylor's
 2 death could be fairly described as murder; right?
 3 That's what you wrote on line 6.
 4 A. Yes.
 14:49:09 5 Q. Am I reading that correctly?
 6 A. You read that correctly.
 7 Q. What you said just three days ago, you meant
 8 to convey when you said that Che Taylor's death was
 9 murder, was that you believed the officers', S
 14:49:24 10 apostrophe, actions were wrongful; right?
 11 A. That's correct.
 12 Q. That's what you meant to convey. You meant
 13 to convey that the officers that shot Che Taylor,
 14 their actions were wrongful when you referred to his
 14:49:41 15 death as "murder" on February 25th, 2016; correct?
 16 A. I am referring to Che Taylor's death. And I
 17 do believe, as I said in my speech, that individual
 18 officers do need to be held accountable for what I
 19 believe are completely unjust and, and what I believe
 14:50:07 20 to be criminal killings. And unless individual
 21 officers are held accountable, it will not -- that has
 22 to be part of the process of holding the police
 23 department as a whole accountable.
 24 Q. You didn't write any of that in this
 14:50:24 25 sentence; did you? What you just said in this

Page 60

1 people of color, even when their use of deadly force
 2 appeared to be wrongful, and it was that type of
 3 systemic racism I intended to address when I referred
 4 to needing 'individual accountability.'
 14:51:52 5 Q. We're going to get to that, trust me. I
 6 promise you. We are going to get to paragraph 10 and
 7 individual accountability. I'm not there yet.
 8 A. But you implied that I did not clarify what
 9 you just explained, so I'm telling you I clarified it.
 14:52:08 10 It's just in the following paragraph.
 11 Q. We'll get to individual accountability in a
 12 second. I'm just going to focus on paragraph 9. This
 13 is my only opportunity as counsel for the plaintiffs
 14 to ask you questions, so please answer the questions
 14:52:24 15 that I ask of you. Mr. Iglitzin, after I'm done, will
 16 have ample time to ask questions for any
 17 clarifications.
 18 My question is, right now I'm focused on
 19 paragraph 9 and I'm going to be focused on your
 14:52:38 20 transcript, starting with the sentence, "The brutal
 21 murder of Che Taylor, just a blatant murder at the
 22 hands of the police." Do you see that?
 23 A. I do.
 24 Q. Now, when you are in paragraph 9 stating
 14:52:53 25 that, when you described it as a layperson, the word

Page 59

1 testimony in this deposition is not what's written in
 2 this sentence; right?
 3 A. I said a lot of things about this issue that
 4 are not in this declaration.
 14:50:40 5 Q. Right. This was your chance, Councilmember,
 6 to clarify and tell the Court what you meant to
 7 convey. And what you told the Court in support of
 8 your summary judgment that you meant to convey was
 9 that you believed that the officers' actions were
 14:50:57 10 wrongful and should be considered criminal; right?
 11 A. That's correct. But if you look at No. 10,
 12 it further clarifies the point I just made, which is
 13 also in my declaration.
 14 ATTORNEY IGLITZIN: Let her finish her
 14:51:10 15 answer, Counsel.
 16 A. Your question, this was my chance to clarify,
 17 and I did clarify in number 10, where I said, "When I
 18 spoke of 'individual accountability,' I intended to
 19 make a broader point about the need for reform to how
 14:51:22 20 police officers' use of force is investigated and how
 21 police officers, in general, can be held accountable
 22 for any unnecessary or excessive use of force. I was
 23 aware that almost no police officers had ever been
 24 charged with a crime, in Washington or nationally, for
 14:51:38 25 killing people, and in particular Black people and

Page 61

1 "murder," is what you are saying that you meant to
 2 convey that you believed that the officers' actions
 3 were wrongful and should be criminal; correct?
 4 A. I believe, as I have said, that individual
 14:53:18 5 accountability is important, and I did use the word
 6 "murder," and I stand by it. I still think it is
 7 murder.
 8 Q. Great. So then you also -- this is what you
 9 put down in your declaration is that, by the word
 14:53:35 10 "murder," you want to convey the officers' actions
 11 were wrongful and should be considered criminal;
 12 right?
 13 A. I'm speaking not as a lawyer, and I was not
 14 speaking as a lawyer. I was speaking as the idea of
 14:53:50 15 what, what in common parlance is understood as
 16 unjustifiable or wrongful killing, and that is, the
 17 word "murder" is understood as wrongful or
 18 unjustifiable killing in common parlance in terms of
 19 just understanding what happened with Che Taylor. And
 14:54:12 20 as you see, I was far from the only one who had drawn
 21 this conclusion after having watched the video of the
 22 shooting.
 23 Q. Now, here, this is the reason I went through
 24 the exercises. You adopted these words in this
 14:54:28 25 declaration as your own. Not a lawyer. You said,

16 (Pages 58 to 61)

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Kshama Iyengar Sawant

January 12, 2023

Page 62

1 yep, these are my words; right?
 2 A. This is my declaration, yes.
 3 Q. And in that declaration, what you are saying
 4 is, you mean to convey that you believe the officers'
 14:54:43 5 actions were wrongful and should be criminal when you
 6 were using the word "murder"; right?
 7 A. As I said, I believed what happened to Che
 8 Taylor was completely wrongful and unjustifiable and
 9 unjust, and I spoke as my common person's
 14:55:07 10 understanding of what that would be described as, and
 11 that is murder. And to the extent that myself and
 12 many other community members believed that what
 13 happened to Che Taylor was murder, yes, it is
 14 associated with individual --
 14:55:27 15 Any time this happens and when community
 16 members think it was wrongful, it is -- it was --
 17 those specific acts were committed by individuals,
 18 yes. To that extent, that is what I believe.
 19 But as I said in point No. 10, I clarify
 14:55:45 20 what I mean and why, especially why I think that
 21 individual accountability is part of, you know,
 22 beginning to hold police departments accountable.
 23 Q. Let's go to your speech here. Can you pull
 24 up your Exhibit-3. On Exhibit-3, circle for me
 14:56:13 25 anywhere where you said the phrase, "I believe."

Page 63

1 ATTORNEY IGLITZIN: That's not a question,
 2 Counsel. That's a directive, and you can't give her a
 3 directive at a deposition. You can ask her a
 4 question.
 14:56:25 5 Q. I will ask the question, then. Is there
 6 anywhere in this one-and-a-half page speech where the
 7 words "I believe" appear?
 8 A. The words don't appear, but it is implied.
 9 I'm speaking as an elected official, and I am speaking
 14:57:01 10 for what I believe, and it is implied when I say that
 11 this was a "brutal murder of Che Taylor," that this is
 12 what I believe.
 13 Q. So the answer is no, the words "I believe" do
 14 not appear in that one-and-a-half-page speech;
 15 correct?
 16 A. The words "I believe" do not appear. But
 17 this was a public speech, and I have no conception in
 18 my mind that anybody, any ordinary person who heard
 19 the speech, would think that the words that came out
 14:57:43 20 of my mouth at that speech were not things that I
 21 believed. It is implied that I believe.
 22 Q. So the answer is, again, no, "I believe"
 23 doesn't appear; right?
 24 A. As I said, the words "I believe" don't
 14:57:56 25 appear, because it is implied that people understand

Page 64

1 that these are words that I believe.
 2 Q. And the same thing would go with the words
 3 "it is my opinion" don't appear in that speech;
 4 correct?
 14:58:13 5 A. Similarly, it is absurd, that -- I mean, are
 6 you saying that people would think that what I'm
 7 saying is not my opinion? Of course, anybody who --
 8 ATTORNEY IGLITZIN: Let her finish her
 9 answer.
 14:58:26 10 ATTORNEY SINGLA: Yeah.
 11 A. Anybody who has any conception of what an
 12 elected official does when they speak, let alone
 13 somebody, a socialist like me, would have a clear
 14 understanding, whether you agree with the opinion or
 14:58:44 15 not, that when an elected official speaks, it's their
 16 opinion or it is something they believe.
 17 Q. So the answer is no, "it is my opinion" does
 18 not appear in that speech; correct?
 19 A. Like I said before, the words "my opinion,"
 14:59:03 20 "in my opinion," or "I believe" are implied in the
 21 fact that I am an elected official making a speech, so
 22 when I say something, it is reflecting what I believe
 23 or something that is my opinion.
 24 Q. Okay. And there's no other equivocations
 14:59:20 25 when you are talking about the "brutal murder" or

Page 65

1 "racial profiling" in your speech, as in Che Taylor's
 2 murder may be -- I mean, his killing may be considered
 3 a murder or it could be considered a murder, there's
 4 no qualifications before the term "brutal murder" or
 14:59:39 5 "racial profiling"; right?
 6 ATTORNEY IGLITZIN: Object to the form of
 7 the question.
 8 Q. Go ahead.
 9 ATTORNEY IGLITZIN: If you understand the
 14:59:45 10 question.
 11 A. I don't actually understand the question.
 12 Q. Sure. So we've talked about that you in your
 13 speech nowhere "I believe" appears, no where "it's my
 14 opinion" appears. So now I'm saying, you don't even,
 14:59:57 15 you don't even have a qualifier as in it may be a
 16 murder or it could be considered a murder. Nothing
 17 like that appears in this speech either; right?
 18 A. Like I said before, as an elected official,
 19 when I make a speech or even when I'm speaking
 15:00:15 20 publicly in any context, whether it's at a rally or at
 21 the dais, when I speak or when any of the elected
 22 officials speak, the understanding of anybody would be
 23 that that elected official is expressing their opinion
 24 or saying what they believe.
 15:00:37 25 Furthermore, furthermore, as I said

17 (Pages 62 to 65)

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Kshama Iyengar Sawant

January 12, 2023

Page 66		Page 68	
1	before, when I used the word "murder," which I still	1	elected official, when I make a speech or even
2	believe it was murder, I'm speaking not as a lawyer.	2	when I'm speaking publicly in any context,
3	I am not using the word in any legal sense, because I	3	whether it's at a rally or at the dais, when I
4	don't -- I'm not a lawyer. I don't have any	4	speak or when any of the elected officials
15:00:57 5	experience or expertise. I'm speaking as an elected	5	speak, the understanding of anybody would be
6	representative and as a common person who saw what was	6	that that elected official is expressing their
7	to anybody who had any, any modicum of honesty what	7	opinion or saying what they believe.)
8	that video -- when you watch the video of Che Taylor	8	Q. Is that correct? Isn't that your statement,
9	being killed, it is like an execution.	9	that it is your belief that any time an elected
15:01:21 10	And so when I say -- when I said "murder,"	15:04:19 10	official speaks at a rally, it should be taken as if
11	when I say now as an elected official, as an elected	11	they're expressing an opinion or their belief?
12	representative, this was a "brutal murder," I'm not	12	A. I think you are mischaracterizing what I
13	speaking in a legal sense. I'm speaking in the sense	13	said. What I said, yes, because you asked, is your
14	of, as I said before, common parlance, what is	14	opinion opinion only. I don't understand what that
15:01:37 15	commonly understood by ordinary people. What is	15:04:38 15	means, because something can be a politician's opinion
16	murder? It is completely un- -- wrongful, outrageous,	16	and it could also be factual. So it's not -- you
17	unjust -- that's the word I was looking for -- unjust	17	know, it's somewhere -- you know, there could be
18	taking of human life. When I'm speaking in that	18	statements anywhere in that spectrum.
19	sense, I can't imagine why I would equivocate or	19	What I'm saying is, an elected official is
15:01:57 20	qualify, because that is precisely what I don't want	15:04:57 20	hardly going to use a characterization if they didn't
21	to qualify or equivocate on, because it was such a	21	believe that that was the -- that was an accurate
22	brazenly unjust taking of life.	22	characterization in their mind. And that is what I
23	Q. I want to go back to the very first thing you	23	meant, as an elected representative, as a common
24	said in your answer, which was that --	24	person who is not a lawyer, that was my opinion, and
15:02:18 25	ATTORNEY SINGLA: And if we could go to	15:05:12 25	that is still my opinion.
Page 67		Page 69	
1	the very first sentence of councilmember's answer.	1	ATTORNEY SINGLA: Let's read the first
2	(Reporter read back as requested	2	sentence of what councilmember just got done saying,
3	as follows: Like I said before, as an	3	and I want to ask questions about that.
4	elected official, when I make a speech or even	4	(Reporter read back as requested
5	when I'm speaking publicly in any context,	5	as follows: I think you are
6	whether it's at a rally or at the dais, when I	6	mischaracterizing what I said. What I said,
7	speak or when any of the elected officials	7	yes, because you asked, is your opinion
8	speak, the understanding of anybody would be	8	opinion only. I don't understand what that
9	that that elected official is expressing	9	means, because something can be a politician's
15:02:59 10	their opinion or saying what they believe.)	15:05:47 10	opinion and it could also be factual.)
11	Q. If I read that correctly, are you saying that	11	Q. So what did you mean when you said that it
12	any time any elected official speaks, the receiver of	12	could be something that could be a politician's
13	that information at a rally should presume that it is	13	opinion and could also be factual?
14	that elected official's opinion and opinion only?	14	A. Well, one example is, if I were to say, which
15:03:15 15	A. I don't understand your question.	15:06:03 15	I have said many times, that the -- you know,
16	Q. You just answered my previous question by	16	paraphrasing myself. I'm not -- I don't want you to
17	saying, Hey, look, any time an elected official speaks	17	ask me, Is it exactly what you said. I'm paraphrasing
18	at a rally, it should be presumed what they are saying	18	my opinion that I have stated many times, which is
19	is simply opinion and nothing else.	19	something like, the inequality is extremely harsh in
15:03:31 20	ATTORNEY IGLITZIN: I object. That	15:06:27 20	the United States. Economic inequality is harsh.
21	actually misstates what her prior answer was.	21	That is my opinion.
22	ATTORNEY SINGLA: Let's read that answer	22	But if you were to ask another economist
23	again.	23	who maybe doesn't share my political beliefs would
24	(Reporter read back as requested	24	actually also verify that, because they would have
25	as follows: Like I said before, as an	15:06:42 25	studied data from the past decades and see it actually

18 (Pages 66 to 69)

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Kshama Iyengar Sawant

January 12, 2023

Page 70

1 has gotten worse. In this sense, it is a fact, but
 2 the way I'm stating it is my opinion. But the same
 3 facts an elected official with different political
 4 beliefs would state that same fact differently.

15:06:59 5 ATTORNEY IGLITZIN: Can we take another
 6 short break?
 7 ATTORNEY SINGLA: Let's go.
 8 (Recess.)
 9 ATTORNEY SINGLA: Back on the record.

15:16:17 10 (Exhibit-9 marked.)
 11 Q. So when we left off, Councilmember, one of
 12 the things you said, that it would be clear to anybody
 13 who was either at the rally or looked at your speech
 14 from the rally understood that it was opinion. The
 15:16:35 15 next day you received a letter via email from who, I
 16 believe, is somebody who reviewed your statements at
 17 your rally, Glenn MacDonald, in your office. Do you
 18 see that?
 19 A. I am looking at what you just handed out.

15:16:52 20 Q. Go ahead and take a chance to review it.
 21 Have you read it?
 22 A. I did.
 23 Q. Okay. Did your office contact Mr. MacDonald
 24 in any way to explain to him the difference between
 15:17:57 25 how an opinion could be both an opinion and factual

Page 72

1 respond, based on what I think is accurate and true.
 2 First of all, this is nearly seven years
 3 ago, so I couldn't in all honesty remember if we
 4 responded to this constituent or not. My office
 15:19:42 5 responds to many, many, at this point countless
 6 constituents, so I could not honestly answer that
 7 question.
 8 But as far as the premise you are trying
 9 to set up here, where, where you were stating your
 10 opinion and it was not a fact, that is why I gave the
 11 example of inequality; where is there inequality?
 12 Tremendous inequality that has dramatically increased
 13 in the United States? It's a fact. But how a
 14 particular elected representative or even just an
 15:20:19 15 ordinary person talks about it or expresses about it,
 16 it really is depending on their opinion.
 17 I mean, a billionaire would have a
 18 completely different opinion about inequality as I
 19 would as a socialist, so the same facts are expressed
 20 differently.
 21 However, I would also say that in this
 22 case, it's, it's -- we're talking about the word I
 23 used, "murder," which, as I have said before, I used
 24 as a -- in common parlance, what I believed to be an
 15:20:59 25 unjust and absolutely unacceptable taking of human

Page 71

1 both at the same time?
 2 ATTORNEY IGLITZIN: Object to the form of
 3 the question.
 4 Q. Go ahead.

15:18:06 5 A. This formulation that you just used, you just
 6 came up with a few minutes ago. This email is from,
 7 you know, nearly seven years ago, so please ask me a
 8 question that would make sense for that moment.
 9 Q. Sure. What you said before this break and
 15:18:25 10 before you talked to Mr. Iglitzin was, that an opinion
 11 can both be an opinion and factual at the same time.
 12 My question is: When your office received this email
 13 on February 26th of 2016, did you or anyone from your
 14 office contact or call back or email Mr. MacDonald
 15:18:48 15 back to explain to him that you were expressing an
 16 opinion and there was no factual basis on which your
 17 statements were?
 18 ATTORNEY IGLITZIN: Object to the form of
 19 the question.

15:18:59 20 A. I think you are asking the question in a very
 21 leading way, where there's a premise in the question.
 22 And for me to answer the question, if I were to answer
 23 the question in the way you want me to, then it would
 24 implicitly be accepting the premise you have laid out
 15:19:18 25 in the question, which I don't agree with. But I will

Page 73

1 life. But that's, that's where -- you know, that is
 2 where the question of opinion comes in. That was my
 3 opinion. That was an opinion -- that was the opinion
 4 and still the opinion of at this point hundreds of
 15:21:17 5 thousands of people in the region, especially since
 6 the George Floyd movement.
 7 But are there people who don't share that
 8 opinion? Of course, and this is one of them
 9 (indicating). So I completely accept that there is a
 10 range of opinions on how the taking of Che Taylor's
 11 life should be characterized. My opinion is that it
 12 was murder. But I'm certainly not -- as I said
 13 before, in a legal sense, that determination cannot be
 14 made by me as an elected representative and a
 15:21:50 15 nonlawyer.
 16 But even if I were, I'm not the one who is
 17 adjudicating, or I was not the one adjudicating this
 18 case. It would be up to the judge. And I believe
 19 that while there are -- there's a range of opinions,
 20 and this constituent is an example of a person who
 21 didn't share my opinion, I believe that even he and,
 22 you know, everybody listening to me as an elected
 23 representative would understand that when I say
 24 "murder," I'm expressing my opinion. That I am not
 15:22:23 25 the judge who is going to be -- who is the only person

19 (Pages 70 to 73)

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Kshama Iyengar Sawant

January 12, 2023

Page 74		Page 76	
1	in the legal framework to make a determination.	1	everybody who listens to a politician would understand
2	So Glenn MacDonald may disagree with my	2	what is opinion and what is fact. Is that what you
3	opinion, but I do not believe that he would in any	3	are saying?
4	moment think that I'm delivering a statement of fact	4	A. I'm saying that within any reasonable
15:22:42 5	as a judge.	15:25:00 5	understanding, you know, it's hard to answer your
6	Q. Not my question at all. My question was --	6	question, because you are putting it in a such a
7	and I think you answered my question at the very	7	blanket way. But if you were to talk about general
8	beginning, so I'll ask it again and have you confirm	8	things, I think that, for example, in this case, when
9	it. As you sit here today, you don't remember whether	9	I said "murder," I believe that everybody
15:22:56 10	anybody from your office contacted Glenn MacDonald	15:25:21 10	understands -- and I can say this -- I don't
11	back; correct?	11	understand how anybody would think that I was speaking
12	A. So just to, just to make note, the way you	12	as if a judge would be speaking, where they're
13	asked the question just now is not the same as the way	13	actually delivering a legal, you know, legal verdict.
14	you asked the question earlier use. When you asked	14	This is -- everybody knows I'm not a
15:23:12 15	the question earlier, you laid in a premise that I did	15:25:40 15	lawyer, and everybody knows I was there at the rally
16	not agree with, and so if I were to -- if I were to	16	as an elected representative when I was expressing my
17	have answered your question then, with that premise,	17	opinion, and that it is not being spoken in a legal
18	then it would have given a misinterpretation of my	18	framework as a judge. I mean, you know, but it's
19	position.	19	slightly different than if I were to say, Today is
15:23:29 20	That is why I stated my position correctly	15:26:00 20	Thursday. Today is Thursday. It's also a fact. It's
21	and what I believe to be true, which is, people can	21	very clear to everybody. It's not just my opinion.
22	have different opinions. But I do not believe that	22	It's also a fact.
23	anybody thought at that moment I was speaking as a	23	But I think reasonable people have the
24	judge or as a legal person or using legal parlance.	24	ability to understand that when it is something like
15:23:42 25	But you just restated the question by	15:26:16 25	this, that this is not being said from a legal -- when
Page 75		Page 77	
1	saying simply, you don't remember if your office	1	Kshama Sawant, the city council member, said this was
2	responded to Glenn MacDonald. If your question is	2	a brutal murder of Che Taylor, reasonable people, as
3	simply, do you remember if my office responded to	3	far as I know, everybody would understand that this is
4	Glenn MacDonald, yes, the answer is, no, I do not	4	your opinion. Whether you share that opinion or not
15:23:58 5	remember.	15:26:32 5	is a different story.
6	Q. I'm going to break it down, because that's	6	Q. Let me ask you this: Did you survey people
7	what I think is going to work best. Now, you don't	7	to understand that everybody knew you were not a
8	remember whether your office responded to Glenn	8	lawyer, you were not a lawyer at that rally? You just
9	MacDonald. What will most likely happen if this case	9	said, Everybody knows I'm not a lawyer. Everybody
15:24:12 10	goes to trial -- I'm giving you guys a heads-up. If	15:26:47 10	knows I wasn't a lawyer at the rally. How do you know
11	there's anything you can do in the meantime, I think	11	that, that everybody doesn't know that you were not a
12	this question will be asked again, whether or not your	12	lawyer?
13	office contacted Glenn MacDonald. You'll have a	13	A. Everybody does know that and everybody knew
14	chance to answer that question at trial.	14	at that time that I was speaking as an elected
15:24:28 15	ATTORNEY IGLITZIN: Is that a question?	15:26:59 15	representative. And I also said before, that even if
16	ATTORNEY SINGLA: No. I'm giving you a	16	an elected representative is a lawyer, I think people
17	heads-up that's a question that Dan will probably ask.	17	understand that when you are speaking there as an
18	ATTORNEY IGLITZIN: That's the same	18	elected representative, you are not giving your legal
19	question you already asked?	19	opinion. You are speaking as an elected
20	ATTORNEY SINGLA: Yes.	15:27:12 20	representative, because you are not the judge who is
21	Q. And he'll say, You didn't remember it in your	21	in charge of having a legal opinion about it.
22	deposition, have you had a chance to review anything	22	Q. That's what I'm asking. There were about
23	as to whether or not you can confirm whether your	23	60 to 80 people at that rally. After you got done
24	office contacted Glenn MacDonald?	24	giving your speech, did you talk to those people and
15:24:46 25	My next question is, you are saying that	15:27:27 25	say, Hey, did you understand I wasn't speaking as a

20 (Pages 74 to 77)

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Kshama Iyengar Sawant

January 12, 2023

Page 78

1 judge?
 2 ATTORNEY IGLITZIN: Object to the form of
 3 the question.
 4 Q. Go ahead.
 15:27:32 5 A. Quite frankly, I think what you are saying is
 6 an absurd thing, because everybody -- my opinion is
 7 that everybody understands that I'm not speaking as a
 8 lawyer. I'm speaking as an elected representative.
 9 Q. My question is: How do you know that
 15:27:49 10 everybody knows you are not a lawyer? You haven't
 11 talked to everybody in the world. You didn't talk to
 12 everybody at the rally. How did you know that
 13 everybody knew you weren't a lawyer?
 14 A. I'm just making a reasonable understanding of
 15:28:03 15 what people understand as an elected representatives.
 16 Q. That's just according to you; right?
 17 A. I'm sorry. You also are interrupting me, so
 18 you are --
 19 Q. I'm sorry. I thought you were done. I
 15:28:17 20 thought you were done. Go ahead. If you are, I'll
 21 ask the next question. How do you know that everybody
 22 understood that you were making an opinion and weren't
 23 speaking in fact, when you didn't talk to everybody at
 24 the rally?
 15:28:38 25 A. I believe that anybody who was at the rally

Page 79

1 who knew that I was speaking as a council member,
 2 understands that I'm speaking as a council member,
 3 because of the simple reason I'm not a judge in this
 4 case, who is the only person who is in the position to
 15:28:58 5 speak in the -- to use the word "murder," or whatever
 6 it is. I'm not a lawyer, so I don't know what they
 7 would say.
 8 But I was there speaking as an elected
 9 representative giving my opinion, and I believe that
 15:29:13 10 people understood that I was speaking as an elected
 11 representative.
 12 Q. Can you accept the premise that there could
 13 be people at the rally that don't know that you are
 14 not a lawyer?
 15:29:25 15 A. I believe that everybody understood I was
 16 speaking as an elected representative.
 17 Q. That's your belief. That's not my question.
 18 My question was: Can you accept the premise that
 19 there were people at the rally that did not know you
 15:29:43 20 are not a lawyer?
 21 ATTORNEY IGLITZIN: I'm going object to
 22 the form of the question.
 23 Q. Go ahead.
 24 A. I don't understand. I mean, I think you
 15:29:53 25 should ask the question in a way that makes sense for

Page 80

1 the rally.
 2 Q. That's what I'm doing.
 3 A. I'm just saying, everybody understood I was
 4 there as an elected representative, so I'm not clear
 15:30:07 5 why anybody would then think about the question of
 6 whether or not I'm a lawyer, because everybody
 7 understood I was there as an elected representative.
 8 I was introduced as a council member who had attended
 9 the rally. I'm not sure in what context it would come
 10 up --
 11 Q. Sure.
 12 A. -- whether I'm a lawyer or not. As I said, I
 13 was using the murder, word "murder" not as a lawyer.
 14 The people, the other people, the community leaders
 15:30:35 15 who spoke at the rally also said "murder." They
 16 weren't speaking as lawyers. That was my reasonable
 17 belief.
 18 So I don't see why others would not
 19 reasonably think that -- would reasonably not
 15:30:48 20 understand that I was speaking as an elected
 21 representative, just as Gerald Hankerson was speaking
 22 as the leader of the NAACP.
 23 Q. Not talking about Gerald Hankerson. My
 24 question was just a yes-or-no question. I'll give you
 15:31:02 25 context for it.

Page 81

1 When you were there as a council member
 2 between 2014 and 2016, there were three lawyers who
 3 were both lawyers and council members: Debora Juarez,
 4 Bruce Harrell, Lorena González. What you said was, I
 15:31:19 5 don't understand. I just came up there and everybody
 6 knew I was a council member. My question was, at that
 7 rally, are you at least willing to accept the premise
 8 that there were some people that didn't know you were
 9 not a lawyer?
 10 A. I think that's a problematic premise, the way
 11 you are setting it up, because what I am saying to you
 12 is that I don't believe, just in any reasonable
 13 framework of thinking about that rally, that anybody
 14 was thinking about who's a lawyer and who's not. Yes,
 15:31:49 15 there are elected officials who are also lawyers, but
 16 I can, again, say, reasonably speaking, virtually
 17 anybody when they heard Debora Juarez or whoever
 18 speak, Bruce Harrell, the mayor, speak, they assume
 19 that he is speaking as a mayor. That's my reasonable
 15:32:07 20 belief.
 21 So in that given that, I don't accept your
 22 premise. I'm stating what I think the premise
 23 actually is, which is, when an elected official comes
 24 out and speaks publicly, who do people see? They see
 15:32:24 25 an elected official. So when Mayor Harrell speaks, I

21 (Pages 78 to 81)

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Kshama Iyengar Sawant

January 12, 2023

Page 82

1 think it would be reasonable to assume that people,
 2 when they hear him, they're thinking of him as
 3 Mayor Harrell, and not as a lawyer.
 4 And, yes, it's true some people know he's
 15:32:38 5 a lawyer. Some people may not know he's a lawyer. I
 6 don't know. But I don't think that's actually
 7 relevant, because when you are serving as an elected
 8 representative, everyone knows you are speaking as an
 9 elected representative.
 15:32:51 10 Q. That's my point; right? You just said it. I
 11 want to get to that. You don't know within those 60
 12 to 80 people, that all 60 to 80 people believed the
 13 same way that you do in the concept that, when you
 14 speak as an elected official, you are only doing that.
 15:33:07 15 A. No, that is not what I said. I said that,
 16 regardless of which community members know what the
 17 previous professions were of those elected officials,
 18 when they are sitting elected officials and they speak
 19 as sitting elected officials, I'm saying the exact
 15:33:24 20 opposite of what you claimed I said. I'm saying, when
 21 Mayor Harrell speaks, virtually anybody would
 22 understand that this person is speaking as the mayor,
 23 and his previous profession before he was speaking is
 24 not relevant. That's what I said.
 15:33:39 25 So when I speak as an elected

Page 83

1 representative, I don't know if people know what my
 2 previous profession was, but I do know when I speak as
 3 city council member, what they see is a council member
 4 speaking.
 15:33:51 5 Q. Right. And they see a council member saying,
 6 Che Taylor was murdered. That's what they hear the
 7 council member saying; right?
 8 A. They're hearing an elected representative, a
 9 council member speaking, and they understand that when
 15:34:10 10 the council member says there was a brutal murder,
 11 they understand it's an opinion.
 12 Q. How do you know that if you didn't survey
 13 those people to get the understanding that it's an
 14 opinion versus fact?
 15:34:24 15 A. I am making a reasonable understanding based
 16 on just general human knowledge, because I'm not a
 17 lawyer, so -- and I don't, I don't -- I honestly don't
 18 agree that I need to survey, I literally need to ask
 19 each person, because I was not even thinking about
 15:34:44 20 that. At that moment and now, nothing has changed
 21 between that moment and now. I was not a lawyer then.
 22 I'm not a lawyer now. I was not speaking in a legal
 23 sense, and I was speaking as a matter of opinion, just
 24 like others were speaking as a matter of opinion.
 15:34:59 25 And there might have been people who

Page 84

1 actually spoke as lawyers, and they clarified that
 2 they were lawyers. But others were speaking as
 3 community members, and I was speaking as a community
 4 member and an elected representative, and I was
 15:35:14 5 delivering my opinion.
 6 Q. Right. And, ma'am, I'm not asking you to be
 7 a lawyer. You just got done saying that you, as a
 8 council member, you spoke at the rally as a council
 9 member, and as a City of Seattle council member, you
 15:35:27 10 said those words, saying that Che Taylor was brutally
 11 murdered. That's what you said, right, as a council
 12 member?
 13 A. I said those words as an elected
 14 representative and a council member.
 15:35:40 15 Q. Right. When you said those words, what is
 16 the basis for you to say, then, that everybody at that
 17 rally understood those words to be an opinion, when
 18 you didn't clarify that that was your opinion?
 19 ATTORNEY IGLITZIN: Counsel, I think
 15:35:55 20 you've gone round on this topic to the point where
 21 it's getting -- I appreciate you'll have a chance to
 22 argue in some other forum that you are not getting an
 23 appropriate answer, but it's getting just a little bit
 24 vexatious.
 15:36:07 25 ATTORNEY SINGLA: And I appreciate that,

Page 85

1 but councilmember's answers don't quite cover
 2 everything, so I'm just trying to get --
 3 A. I don't agree. I have been responding, but I
 4 don't -- some of the premises you set up are not
 15:36:19 5 accurate, and when I don't answer, that's because I
 6 don't agree with the premise.
 7 Again, just to repeat my answer to your
 8 question: I am not a judge. Only a judge can decide
 9 legally what the outcome of any given case should be.
 15:36:38 10 I was there as an elected representative. Everybody
 11 knew that I was there as an elected representative,
 12 and that's, that's the basic, that's the basic
 13 framework. That's the premise. That's the context in
 14 which people saw me speaking. And in that context,
 15:36:54 15 yes, people knew that I was giving my opinion. And as
 16 you can see from this email, not everybody shared that
 17 opinion, but everybody knew that that was an opinion.
 18 ATTORNEY IGLITZIN: Counsel, I think
 19 you've heard a full explanation from the councilmember
 15:37:07 20 as to why she believed she could stake out the
 21 position she's staking out.
 22 ATTORNEY SINGLA: Right.
 23 ATTORNEY IGLITZIN: I understand it's not
 24 satisfying to you, but I don't think it's going to
 15:37:19 25 change, from my observation.

22 (Pages 82 to 85)

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Kshama Iyengar Sawant

January 12, 2023

Page 86

1 ATTORNEY SINGLA: We can do this off the
 2 record, but I think Judge Pechman will want it on the
 3 record anyways. It's up to you how you want to handle
 4 it with your client. Just because your client does
 15:37:34 5 not accept the premise of my question, doesn't
 6 mean that she can't -- she still has to answer the
 7 question, regardless --
 8 ATTORNEY IGLITZIN: I think she is
 9 answering it. You are not satisfied with or perhaps
 15:37:45 10 fully don't understand. I don't mean that as an
 11 aspersion, but it's an interesting analytic
 12 discussion. I think when we look at the transcript,
 13 we will see that the councilmember is articulating
 14 very clearly her answer to your question, your
 15:38:00 15 question being repeatedly, how can you make that
 16 assertion without having surveyed people, and she has
 17 answered that question.
 18 Q. I'll ask this question: So the answer is,
 19 that it is your presumption without surveying people
 15:38:15 20 that they understood it to be an opinion; is that
 21 true?
 22 A. Once again, the way you are setting up the
 23 question, it implies as if there was some impropriety
 24 or, or something objectionable about me going there as
 15:38:44 25 an elected representative and conveying my opinion.

Page 87

1 And it's also, quite frankly, absurd to say that
 2 people there, you know, in any rally, not just that
 3 rally, are thinking about the previous professions of
 4 elected representatives of -- you know, in any
 15:39:03 5 context.
 6 In any context people know that elected
 7 representatives give -- officials give their opinions,
 8 and you can either agree or disagree with their
 9 opinion. But I think I can reasonably say that people
 15:39:18 10 at the rally and since other people, other
 11 constituents who have been in touch with us or who
 12 know that I am on the council, know that when you are
 13 a sitting council member, you are not a judge.
 14 Whether they know my previous profession or not, at
 15:39:35 15 the very least, they know that I am -- as a sitting
 16 council member, I'm not the judge in this case.
 17 So at least they know the basic facts that
 18 when I say "murder," I could not possibly be speaking
 19 as a judge or a potential judge on that case. And in
 15:39:50 20 that sense, yes, it was my opinion, and in that sense,
 21 I think it is reasonable for me to assume that people
 22 knew that I was giving my opinion, whether they agreed
 23 with it or not.
 24 Q. Is it possible that someone at that rally
 15:40:04 25 took your statements to be factual and not opinion?

Page 88

1 A. I think it is, it is a case where it is very
 2 much a matter of opinion, because other people, while
 3 they may not be elected representatives, are also not
 4 the judge in this case.
 15:40:26 5 So everybody had an opinion about what
 6 happened to Che Taylor. Some people thought it was
 7 just. Some people thought it was unjust. And the
 8 people who thought it was unjust, many of them called
 9 it "murder."
 15:40:39 10 So in other words, the usage of the word
 11 "murder" is not in a legal sense from either me or
 12 people who are not lawyers, and specifically people
 13 who are not the judge in that case, and it's being
 14 used in common parlance to mean -- you know, the word
 15:40:57 15 "murder" is being used in common parlance to mean
 16 something that was completely unjust, you know, just a
 17 shocking taking of life. And as I said, people who
 18 watched the video and who shared my opinion that it
 19 was murder, saw what was really an execution-style
 15:41:14 20 killing.
 21 Q. Not my question at all.
 22 ATTORNEY SINGLA: And, Dmitri, that was
 23 not even an answer to my question.
 24 Q. My question is a yes-or-no question. And
 15:41:22 25 just to let you know, Councilmember, in this process,

Page 89

1 I do, in fact, get to ask leading questions, and I do
 2 get to ask yes-or-no questions, and I'm just looking
 3 for a yes-or-no answer.
 4 Yes or no: Is it possible that there were
 15:41:38 5 some people at that rally that understood your
 6 statements to be factual and not opinion?
 7 A. I think, again, as I said, everybody knew I
 8 was speaking as an elected representative, not as a
 9 judge, and in that sense, people understood that I was
 15:41:53 10 giving my opinion.
 11 Q. Yes or no: Is it possible that there were
 12 some people at that rally that could understand your
 13 statements to be factual and not opinion? Just a
 14 yes-or-no question.
 15:42:09 15 ATTORNEY IGLITZIN: Well, Counsel, I'll
 16 note that you can ask a yes-or-no question, but the
 17 witness gets to answer the question as she sees fit.
 18 A. In the sense that people understood that I
 19 was speaking there as an elected representative, not
 20 as a judge, people understood I was giving my opinion.
 15:42:23 21 Q. So the answer to -- so I'll take that answer
 22 to mean, no, nobody -- it's not possible that anybody
 23 at that rally understood your statement to be factual;
 24 is that correct?
 15:42:39 25 A. It's not possible for me to answer that

23 (Pages 86 to 89)

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Kshama Iyengar Sawant

January 12, 2023

Page 90

1 question, because I cannot divine what was in people's
 2 minds. However, as a reasonable person, everybody
 3 knew that we were -- that I was speaking as an elected
 4 representative, so in that sense, no, I don't think
 15:42:54 5 that they could have understood --
 6 Sorry. What was the question? That they
 7 could have -- how did you state it?
 8 Q. That, no, it's not possible that somebody
 9 could have understood your answers, or your statements
 15:43:08 10 to be factual.
 11 A. They could not have understood that as
 12 factual, because they knew that I was speaking as an
 13 elected representative and I was giving my opinion.
 14 So yeah, the answer to your question is, no, they
 15:43:19 15 could not have thought that, because I was speaking as
 16 an elected representative.
 17 Q. And at the same time, you could not divine
 18 what all those people were thinking; right?
 19 A. I can -- I do know, though, that -- I mean, I
 15:43:31 20 can't divine what they were thinking in general, but I
 21 do want to clarify that they do know that I was
 22 speaking as an elected representative.
 23 So in the way that you are asking the
 24 question, the answer to your question is no.
 25 Q. Okay.

Page 91

1 (Discussion off the record.)
 2 (Recess.)
 3 (Exhibits-10 through -13 marked.)
 4 Q. I'm going to put Exhibits-10 through 13.
 15:52:19 5 Before the break, you just said, Hey, look, you are
 6 not a lawyer. You were using the terms as a
 7 layperson. I have taken the definitions from the
 8 Merriam-Webster dictionary of what the terms that you
 9 were using were that a layperson would go to if they
 15:52:38 10 were looking at what they meant, so let's go through
 11 them.
 12 Exhibit-10, do you agree with me that the
 13 term "murder" definition would be a "crime of
 14 unlawfully killing a person, especially with malice
 15:52:53 15 aforethought; was convicted of murder"? That's what
 16 the first definition states; right?
 17 ATTORNEY IGLITZIN: I'm sorry. Object to
 18 the form of the question.
 19 Q. Go ahead. I'm just having you confirm that
 15:53:04 20 that's what the definition says.
 21 ATTORNEY IGLITZIN: Are you having her
 22 confirm that's what Exhibit-10 represents that
 23 Merriam-Webster says?
 24 ATTORNEY SINGLA: Yes.
 15:53:14 25 A. Yes. Although I think the "was convicted of

Page 92

1 murder is a separate thing."
 2 Q. Right.
 3 A. Just Englishwise, that doesn't make sense.
 4 The first sentence by itself.
 15:53:30 5 Q. I apologize. The definition is, "The crime
 6 of unlawfully killing a person, especially with malice
 7 aforethought." And the way that it's being used is
 8 somebody was, quote-unquote, was convicted of murder.
 9 That's what it says; right?
 15:53:45 10 A. That's what it says.
 11 Q. And then the second definition, which is 2a,
 12 would be, "something very difficult or dangerous,"
 13 like, "the traffic was murder"; right?
 14 A. That's correct.
 15:53:53 15 Q. And then the third definition is "something
 16 was outrageous or blameworthy; getting away with
 17 murder"; right?
 18 A. That's what it says.
 19 Q. You'd agree with me, at least according to
 15:54:06 20 Merriam-Webster what I pulled off the Internet, the
 21 2a, the "something very difficult or dangerous"
 22 wouldn't apply in this situation; right?
 23 A. That would not apply.
 24 Q. And the way that you used it, something
 15:54:19 25 outrageous or blameworthy would not apply; right?

Page 93

1 A. I mean, obviously the way the term "getting
 2 away with murder" is commonly used, it's referring to
 3 things not actually related to taking of life, but
 4 more like an everyday occurrence.
 15:54:41 5 Q. Right. I'll direct you to your declaration,
 6 those words that you wrote three days ago, and
 7 paragraph 8 where you said that you "did not
 8 understand anyone who used the word 'murder' to be
 9 using it in the technical, legal sense but only as a
 15:55:02 10 layperson would, to describe a wrongful killing that
 11 should be considered criminal." That's what you said,
 12 should be -- was the definition that you were using;
 13 right?
 14 A. That's correct.
 15:55:15 15 Q. Okay. And that would be more akin to the
 16 first definition we're talking about?
 17 A. I think it is clear what I meant in point 8,
 18 that the word "murder" is -- was not used by me or the
 19 community members in any technical legal sense,
 20 because none of us are in a position to make that
 21 call, but as a layperson, what seems to us as wrongful
 22 and should be considered criminal.
 23 Q. Right. So I'm going to direct you to
 24 Exhibit-12, which is the Merriam-Webster dictionary
 15:55:57 25 definition of "wrongful." Do you see that?

24 (Pages 90 to 93)

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Kshama Iyengar Sawant

January 12, 2023

Page 94		Page 96	
1	A. I do.	1	know, but they are not. As I said elsewhere in my
2	Q. Okay. And in that dictionary definition, I'm	2	statement, that I know that police officers have not
3	just having to confirm, "wrongful" is either "wrong"	3	been brought to justice for these types of killings,
4	or "unjust." That's one definition; right?	4	and that's why there should be police accountability.
15:56:13 5	A. That's right.	15:59:24 5	Q. What you told -- you were clarifying for the
6	Q. And then the second one is "having no legal	6	judge in paragraph 8 what you meant by "murder" on
7	sanction" or "unlawful." That's the second one;	7	February 25th of 2016; right?
8	right?	8	A. That's correct.
9	A. That's right.	9	Q. Okay. And there you said that what you meant
15:56:22 10	Q. Okay. And then I'm going to direct your	15:59:40 10	was it was a "wrongful killing that should be
11	attention to Exhibit-13, and that's the Miriam Webster	11	considered criminal." Who should have been criminally
12	dictionary of "criminal." And there the dictionary	12	charged?
13	definition says it's "relating to" or "involving, or	13	A. As I said before, it's the problems -- and as
14	being a crime." That's the first one; right?	14	I said in my speech, the problems are systematic. And
15:56:50 15	A. Right.	15:59:57 15	part of addressing the systematic problem is to bring
16	Q. The second one is, "relating to crime or to	16	to justice individual actions as well. Because, you
17	the prosecution of suspects in a crime." That's the	17	know, Che Taylor was killed by some officers.
18	second one?	18	Similarly Charleena Lyles was killed by some officers.
19	A. That's correct.	19	And so unless we started having individual
15:57:01 20	Q. And the examples of that is "criminal	16:00:20 20	accountability, it would be impossible to begin the
21	statistics, broad criminal action," or "criminal	21	process of a systematic overhaul of, you know, lack of
22	justice system"; right?	22	accountability.
23	A. Correct.	23	Q. Is it your testimony that the officers should
24	Q. And the third one is "guilty of "crime," as	24	have been criminally charged for Che Taylor 's
15:57:14 25	in it's "befitting a criminal"; right?	16:00:37 25	killing?
Page 95		Page 97	
1	A. Right.	1	A. As I said, I believe that it was a wrongful
2	Q. So I'm looking -- and this is what I did,	2	killing of Che Taylor, and that there should be --
3	Councilmember: I looked at your definition that you	3	that we should have in our society far more
4	told Judge Pechman in Exhibit-8, which says you would	4	accountability than we do today, in which individual
15:57:30 5	describe it to be a, murder to be "a wrongful killing	16:00:55 5	officers are held accountable.
6	that should be considered criminal." I took no legal	6	Q. And one of the ways they would be held
7	definitions. I took the Merriam-Webster definition.	7	accountable would be to charge criminally?
8	Would it be fair to say that taking your definition	8	A. There has to be, you know, consequences for
9	from paragraph 8, that this would be a wrong or unjust	9	their actions, so that would be -- that would be in
15:57:56 10	killing that would be related to a crime?	16:01:12 10	the framework of consequences for their actions.
11	ATTORNEY IGLITZIN: Object to the form of	11	Q. So yes, the individual officers who killed
12	the question.	12	Che Taylor should have been charged criminally?
13	A. As I said before, the statement I made at the	13	A. As I said, it was not just about Che Taylor.
14	speech, in the speech was, you know, as an ordinary	14	It was about a pattern of racial profiling and
15:58:28 15	person who would understand what is wrong, what seems	16:01:31 15	unaccountable loss of life at the hands of police,
16	like a wrongful death, a wrongful killing at the hands	16	and -- I'm answering your question. And that means,
17	of the police department, and that it should be	17	that officers who are responsible for such unjust
18	considered criminal, which is related to all the	18	taking of life should be brought to justice, and part
19	statements that my office has made about the need for	19	of that is what happens in the criminal justice
15:58:48 20	police accountability; the need for an elected	16:01:51 20	system.
21	community oversight board that has full powers over	21	But again, to repeat what I said earlier,
22	the police.	22	I was using the word as a layperson, not as a legal
23	So all of that, what all of that implies,	23	expert or as a judge.
24	that we believe that this was -- that killings like	24	Q. Okay. So Charleena Lyles had not died as of
15:59:03 25	Che Taylor's should be considered murder and, you	16:02:02 25	February 25th of 2016, because she died in 2017.

25 (Pages 94 to 97)

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Kshama Iyengar Sawant

January 12, 2023

Page 98

1 George Floyd hadn't died as of February 25th of 2016,
 2 because he died a year later [sic]. On February 25th,
 3 2016, when you used the word "murder," according to
 4 you describing it as "a wrongful killing that should
 16:02:21 5 be considered criminal," on that day, was it your
 6 intention that the officers should have been
 7 criminally charge?
 8 A. You are right, that on that day Charleena
 9 Lyles had not been killed or George Floyd had not been
 16:02:37 10 killed. But it is not accurate to imply that it was
 11 simply about Che Taylor, because Che Taylor's death
 12 came on the -- in the wake of a number of killings of
 13 ordinary citizens at the hands of the Seattle Police
 14 Department, not to mention the far larger number of
 16:02:59 15 killings at the hands of police departments in cities
 16 across the nation.
 17 So as I made it very clear in my speech,
 18 yes, Che Taylor deserved justice. The family of Che
 19 Taylor deserves justice. But it wasn't just about Che
 16:03:17 20 Taylor. It was, it was -- the problem was that it was
 21 not an isolated incident. It was part of a pattern, a
 22 systematic process of unaccountability. And yes, as
 23 part of addressing that, or bringing about that
 24 unaccountability, it does mean that individual
 16:03:32 25 officers need to be held accountable.

Page 99

1 Q. So I'm going to focus on the sentence that's
 2 bolded in the complaint. We confirmed that's what you
 3 said. "The brutal murder of Che Taylor, just a
 4 blatant murder at the hands of the police, shows how
 16:03:51 5 urgently we need to keep building our movement of
 6 basic human rights for the black people and brown
 7 people." I want to focus on that sentence.
 8 And in that sentence, I want to focus on
 9 the work "murder." The word "murder" is used twice in
 16:04:06 10 that sentence; do you agree?
 11 A. That's correct.
 12 Q. And once it's described as a "brutal murder,"
 13 and the second time it's described as a "blatant
 14 murder"; correct?
 16:04:21 15 A. That's correct.
 16 Q. And you just got done telling Judge Pechman
 17 that when you said the word "murder," either as a
 18 "brutal murder" or "blatant murder," you meant it was
 19 a wrongful killing that should be considered criminal.
 16:04:36 20 So my question is: When you are using the
 21 word "murder" of Che Taylor, not of anybody else,
 22 "brutal murder of Che Taylor, just a blatant murder at
 23 the hands of the police," did you then understand or
 24 mean that the officers who killed Che Taylor should be
 16:04:56 25 criminally charged?

Page 100

1 A. As I said before, the reason the Che Taylor
 2 murder was such a flashpoint that brought about the
 3 rally, and then following that, of course, you saw
 4 George Floyd, was because none of these incidents
 16:05:14 5 exists by itself. It shows a pattern of excessive use
 6 of force by the police, and Che Taylor's loss of life
 7 was part of that pattern.
 8 And if we are to bring about any semblance
 9 of accountability at the police department, it does
 16:05:37 10 mean that part of that process has to be that officers
 11 who use excessive use of force have to be held
 12 accountable.
 13 But as I've said in my speeches and my
 14 public speaking many times, that such a thing is not
 16:05:58 15 possible without also having a broader framework of,
 16 you know, for example, as I said, an elected community
 17 oversight board that reviews policies and procedures,
 18 and all of that. I was speaking both as a layperson's
 19 understanding of "murder" and as with my
 16:06:15 20 responsibility as an elected representative of what I
 21 believe needs to be the political shift that needs to
 22 happen with police accountability.
 23 ATTORNEY SINGLA: So now, this is where,
 24 Dmitri, you put me on a clock. I'm going to put this
 16:06:29 25 on the record. Councilmember is not answering my

Page 101

1 questions directly. I mean, every question, Judge
 2 Pechman can read it, is a three-page answer. My
 3 questions are very simple, yes or no.
 4 Q. Yes or no, Councilmember: Did you mean that
 16:06:43 5 the officers should have been criminally charged?
 6 That's a yes-or-no question.
 7 A. It's not a yes-or-no question for me.
 8 Q. It is.
 9 ATTORNEY IGLITZIN: Don't interrupt her.
 16:06:53 10 ATTORNEY SINGLA: I will interrupt her,
 11 Dmitri, because here's the thing: If she's going to
 12 go down this way -- and I'm happy to put that -- she
 13 can go as long as she wants, but then we can't be on a
 14 6 o'clock hard stop. If on the other hand, I will
 16:07:06 15 direct the questions, and these are yes-or-no
 16 questions. I've done this with Judge Pechman before.
 17 I'm more than happy to go in front of her just for
 18 this deposition and say, the way that this deposition
 19 is being conducted, because we are on that hard clock
 20 for you is simply inappropriate.
 21 Q. So I'll ask the question one more time.
 22 ATTORNEY IGLITZIN: Hang on.
 23 ATTORNEY SINGLA: Go ahead.
 24 ATTORNEY IGLITZIN: Let me respond. It's
 16:07:31 25 not civil to interrupt her. You can take your

26 (Pages 98 to 101)

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Kshama Iyengar Sawant

January 12, 2023

Page 102		Page 104	
1	argument to Judge Pechman after the fact. You can	1	Q. Okay. But let me --
2	take an argument about the hard stop. You can do	2	A. But there are people who I probably talked to
3	anything. I respect that. But I think you'll agree,	3	before and after, so I couldn't be sure.
4	one way or another, you got to let her finish her	4	Q. I'm going to go through every one of them,
16:07:50 5	answers, and then you can try more. That's my	16:11:32 5	and then you can tell me. Lorena González?
6	position.	6	ATTORNEY IGLITZIN: And what is the
7	ATTORNEY SINGLA: Fine. That's a fine	7	question? Whether she talked to Lorena before the
8	position.	8	speech?
9	Q. What information did you have between	9	ATTORNEY SINGLA: Yes.
16:08:01 10	February 21st and 25th, when you spoke, what	16:11:41 10	A. As I said, I've talked to Lorena González
11	information did you have about the incident?	11	about the issue, but I could not tell you exactly I
12	A. I had watched the video --	12	remember -- you are specifically asking about before,
13	Q. Okay.	13	so I'm not sure if I remember that.
14	A. -- of Che Taylor's loss of life, and I had	14	Q. What about Bruce Harrell?
16:08:17 15	spoken to several community members.	16:11:56 15	A. Again, I'm not sure I remember, but I'm sure
16	Q. Okay. Which community members?	16	I talked to him about the issue.
17	A. I don't recall which, specifically.	17	Q. What about Larry Gossett?
18	Q. I'm going to give you Exhibit-4. We asked	18	A. Same.
19	this question of you in your discovery responses. And	19	Q. You don't remember, but you could have talked
16:09:20 20	starting on the interrogatory 1, which is on page 7	16:12:06 20	to him before the issue?
21	says, "Please identify all persons with whom you have	21	A. It's possible. I don't know.
22	discussed the detectives or Che Taylor incident."	22	Q. Before your speech?
23	A. Where are the page numbers?	23	A. It's possible. I just don't remember.
24	Q. They're on the very bottom.	24	Q. Ted Virdone?
16:09:35 25	A. Oh, okay. You said page 7?	16:12:14 25	A. Definitely talked to him before, because he's
Page 103		Page 105	
1	Q. Page 7. And then I'm going to direct you to	1	my staff member.
2	page 14. Interrogatory No. 2 on page 14, we asked	2	Q. What did you talk to him about?
3	you, "Please explain in detail any investigation you	3	A. Well, we are a council office, so we, we
4	conducted regarding the Che Taylor incident as of	4	routinely discuss our political work, and when
16:10:07 5	February 25th, 2016." Do you see that?	16:12:34 5	something as important as this issue comes up, then we
6	A. Yes.	6	have discussions about it. And we also watched the
7	Q. And then your response starting on line 14	7	video.
8	was, "Defendant discussed the Che Taylor incident with	8	Q. So you watched the video with Ted. I
9	the individuals identified in response to	9	understand generally you talk about everything. What
16:10:20 10	Interrogatory No. 1 above." In your response to	16:12:52 10	about the Che Taylor incident did you talk to Ted
11	Interrogatory No. 1, you identified 19 individuals. I	11	about before your speech?
12	need to know of those 19 individuals, which are the	12	A. I don't -- I couldn't remember, exactly.
13	individuals that you spoke to prior to February 25th	13	Q. Okay. Is there anything that would help you
14	of 2016 before you gave your speech.	14	remember?
16:10:56 15	ATTORNEY IGLITZIN: If I can suggest	16:13:03 15	A. I don't understand. By "anything," what do
16	something efficient, since there's so many names. I	16	you mean?
17	expect as you walk through these names, you can	17	Q. Is there any emails or any notes that you
18	identify each one and give the answer, rather than	18	took or anything like that that would help you
19	trying to look at all of them.	19	remember?
16:11:08 20	THE WITNESS: Right.	16:13:13 20	A. I don't know. I mean, maybe there are
21	Q. And then I can tell you -- how about I do it	21	emails. I couldn't tell you right at this moment.
22	this way: It will be a yes or no and go quicker.	22	Q. What about Adam Ziemkowski? You spoke to
23	A. Before you start. I can probably tell you	23	him?
24	with more confidence based on my memory people I had	24	A. I did speak to him, but again, I couldn't
16:11:22 25	not talked to.	16:13:27 25	tell you exactly what I spoke about.

27 (Pages 102 to 105)

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Kshama Iyengar Sawant

January 12, 2023

Page 106	Page 108
<p>1 Q. What about Kathleen O'Toole? Did you speak 2 to her before your speech? 3 A. No, I didn't speak to her. 4 Q. Gerald Hankerson, did you speak to him before 16:13:42 5 your speech? 6 A. I, again, as I said, it's being so long, I 7 don't remember, exactly, but I -- I know I spoke to 8 him about this issue several times, and I also 9 remember I spoke to him at the rally, but that's all. 16:14:00 10 I can't recall -- 11 Q. And this is before the rally. You see the 12 rally happening. You decide to go down there. I'm 13 talking about before. 14 A. I'm sorry. You are asking me before? 16:14:13 15 Q. Yeah. 16 A. Yeah, I can't remember if I did or not. 17 Q. What about Sheley Secrest? 18 A. Same response. 19 Q. You can't remember? 16:14:22 20 A. (Witness shakes head.) 21 Q. What about Andre Taylor? 22 A. I had not spoken to him before, because I had 23 not met him. 24 Q. Right. Calvin Priest? 16:14:37 25 A. Probably. He's my husband, so I had probably</p>	<p>1 A. No. 2 Q. Darin obviously not? 3 A. No. 4 Q. Jacob Harksen? 16:16:09 5 A. No. 6 Q. Not. What about Katelyn Sypher? 7 A. No. 8 ATTORNEY IGLITZIN: I can help with that. 9 Katie was an attorney in my firm at the time. 16:16:25 10 THE WITNESS: Katie? 11 ATTORNEY IGLITZIN: Yeah. 12 Q. Carson Phillips? 13 ATTORNEY IGLITZIN: Was also an attorney 14 in my firm at that time. 16:16:35 15 A. No. 16 Q. And same thing with James Lobsenz? 17 A. Same. 18 Q. Well, what about Jonathan Rosenblum? 19 A. The answer is the same as for Ted Virdone and 16:16:47 20 Adam Ziemkowski. 21 Q. Because he works for you? 22 A. Used to. 23 Q. Okay. And then, so if I'm taking this, you 24 spoke to your staff, so those are the people that you 16:16:58 25 spoke to before the rally. And then of the community</p>
Page 107	Page 109
<p>1 spoke to him. 2 Q. Tom Crean? 3 A. Same answer: I probably spoke, but I can't 4 remember. 16:14:54 5 ATTORNEY IGLITZIN: I'm sorry. Just to 6 clarify. You probably spoke before the incident? 7 A. Oh, sorry, no. I don't -- 8 Q. We'll go back. This is, did you -- 9 ATTORNEY IGLITZIN: I didn't mean to jump 16:15:05 10 in. 11 A. The responses I gave so far are all with 12 reference to before the rally. 13 Q. Before the rally? 14 A. Yeah. Andre Taylor, I had not met him before 16:15:19 15 the rally, so that's accurate. Calvin Priest is my 16 husband. Very likely I spoke to him before, but I 17 don't know for a fact if I did or not. Tom Crean, I 18 would probably say I spoke to him after, not before, 19 but again, I'm not sure. 16:15:41 20 Q. Brian Koulouris? 21 A. Same response as for Tom Crean. 22 Q. Most likely after? 23 A. Most likely afterwards, but probably not 24 before. But could have been. I don't know. 16:15:56 25 Q. Dmitri, obviously not, because --</p>	<p>1 members that you possibly spoke to was, perhaps, 2 Gerald Hankerson would be the one community member of 3 this list, and you can't remember specifically about 4 Tom Crean or Bryan Koulouris? 16:17:26 5 A. Sorry. Just to clarify. Gerald Handerson 6 and Sheley Secrest were both, I believe, at the rally, 7 so I do remember speaking to them at the rally. What 8 I don't remember is whether I spoke to them in the 9 intervening four days. 16:17:41 10 Q. That's what I'm trying to get at, because 11 what you said was what you did between the incident 12 and the rally was look at a video and spoke to 13 community members. What you answered in your 14 discovery responses was all the people that you spoke 16:17:56 15 to prior to the February 25th incident. And of all 16 the people that you spoke to, I can only identify -- 17 aside from your staff, I can only identify, perhaps, 18 Gerald Hankerson, Sheley Secrest, Tom Crean, Bryan 19 Koulouris, we'll call him Bryan, and Calvin priest. 16:18:20 20 Would that be fair? 21 A. I think when I said "community members," I 22 also was thinking, I mean, people also talked to me 23 whose names I don't know, and it was a fairly 24 prominent incident, and so I'm just saying that I 16:18:38 25 can't remember if I did or not, but, you know.</p>

28 (Pages 106 to 109)

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January 12, 2023

Page 110	Page 112
<p>1 Q. So what we do know is that you saw the video.</p> <p>2 Did you look at any newspaper articles?</p> <p>3 A. I can't remember if I did or not.</p> <p>4 Q. Did you review any officer statements?</p> <p>16:18:59 5 A. I can't remember if I did or not.</p> <p>6 Q. There's something that's called a Force</p> <p>7 Review Board that happens at the Seattle Police</p> <p>8 Department every time there is a use of force,</p> <p>9 especially a deadly use of force. Did you contact</p> <p>16:19:15 10 anybody at the force review board?</p> <p>11 A. No.</p> <p>12 Q. There's also what's called FIT, F-I-T, which</p> <p>13 is a force investigation team. Did you contact</p> <p>14 anybody from the force investigation team?</p> <p>16:19:29 15 A. No.</p> <p>16 Q. And you didn't speak to Kathleen O'Toole?</p> <p>17 A. No.</p> <p>18 Q. Did you speak to anybody in the Seattle</p> <p>19 Police Department command staff?</p> <p>16:19:40 20 A. No.</p> <p>21 Q. Did you speak to the captain, who was the</p> <p>22 captain for these two officers, before the rally on</p> <p>23 February 25th, 2016?</p> <p>24 A. No. And as I said before, I mean, just in</p> <p>16:19:56 25 terms of all the, all the -- just the recent</p>	<p>1 alone in seeing what I saw. You know, just to</p> <p>2 confirm, are you seeing what I'm seeing?</p> <p>3 And again, just to be clear. I'm speaking</p> <p>4 as a layperson to other lay people. I was not asking</p> <p>16:21:43 5 anybody their legal opinion, because I'm not a legal</p> <p>6 person. I'm an elected representative. And I talked</p> <p>7 to community members, like community leaders, like</p> <p>8 Gerald Handerson, in terms of understanding what they</p> <p>9 felt they saw, what they felt what happened, and</p> <p>10 listened to their speeches.</p> <p>11 So in terms of what, what I looked at to</p> <p>12 formulate my layperson's opinion, this is what I did.</p> <p>13 Q. So what you looked at was the video. Now I'm</p> <p>14 going to ask you about what is called a "Significant</p> <p>16:22:21 15 Incident Report." A significant incident report is a</p> <p>16 report that's generated at the end of every shift that</p> <p>17 demarks significant incidents that happen during that</p> <p>18 shift all around the city of Seattle. It is available</p> <p>19 to not only command staff, but also available upon</p> <p>16:22:39 20 request to other members of the city, including</p> <p>21 council members, the mayor, and the city attorney's</p> <p>22 office.</p> <p>23 Did you request or look at the significant</p> <p>24 incident report between February 21st, after the Che</p> <p>16:22:55 25 Taylor incident and before you went to the rally?</p>
Page 111	Page 113
<p>1 questions, I think what was absolutely crucial was to</p> <p>2 watch the video. And we had a political discussion in</p> <p>3 our office also in terms of what my staff members felt</p> <p>4 when they watched the video. And I did talk to Gerald</p> <p>16:20:22 5 Handerson and Sheley Secrest and also others -- I</p> <p>6 don't remember their names now -- others who were at</p> <p>7 the rally as well about it.</p> <p>8 And I -- my personal belief is that</p> <p>9 talking to community members and NAACP leaders was the</p> <p>16:20:42 10 most crucial thing at that moment.</p> <p>11 Q. I'm talking about the facts of the incident</p> <p>12 itself. So all you did as far as to discover the</p> <p>13 facts of the incident -- not who you talked to about</p> <p>14 how they feel -- the discover the facts of what</p> <p>16:20:55 15 happened in the Che Taylor incident, was just watch</p> <p>16 the video; right?</p> <p>17 A. I did watch the video, but I also would not</p> <p>18 agree of your characterization of minimizing watching</p> <p>19 of the video, because the video is very striking. As</p> <p>16:21:12 20 I said, it reveals an execution-style killing, and I</p> <p>21 did form -- it was a big part of how I formed my</p> <p>22 opinion.</p> <p>23 And it is also important to talk about how</p> <p>24 other people feel, precisely because I wanted to make</p> <p>16:21:27 25 sure that I was not isolated -- I mean, I was not</p>	<p>1 A. I cannot recall whether I did or not. But</p> <p>2 what I can say, as I said before, is that the</p> <p>3 absolutely essential background that informed my</p> <p>4 opinion was watching the video.</p> <p>5 And as I said, I don't remember if I</p> <p>6 looked at that report or not, but I will also offer my</p> <p>7 opinion on that, that in reality, this is the problem.</p> <p>8 I mean, the police department is not being held</p> <p>9 accountable on virtually any of these incidents. So I</p> <p>16:23:42 10 believe that the background that I need to formulate</p> <p>11 my opinion as an elected representative does not exist</p> <p>12 in that report.</p> <p>13 And as I said, I don't remember if I did</p> <p>14 or not. It's possible I did. It's possible I didn't.</p> <p>16:23:58 15 It's too long ago for me to remember. I am saying,</p> <p>16 though, that my opinion that it should be called</p> <p>17 murder was based on seeing the, just the absolutely</p> <p>18 outrageous way in which Che Taylor was killed.</p> <p>19 Q. Why didn't you call Chief O'Toole on</p> <p>16:24:19 20 February 22nd, 23rd, or the 24th to ask her what</p> <p>21 happened?</p> <p>22 A. I'm not exactly clear why you would expect</p> <p>23 that I would call Chief O'Toole, because I had watched</p> <p>24 the video. I could see with my own eyes what</p> <p>16:24:37 25 happened.</p>

29 (Pages 110 to 113)

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Kshama Iyengar Sawant

January 12, 2023

Page 114	Page 116
<p>1 And furthermore, as I said many times</p> <p>2 before, today, that -- I mean, in this proceeding</p> <p>3 today, that Che Taylor's loss of life stood out, not</p> <p>4 only because of the blatant way in which it happened,</p> <p>16:24:59 5 which everybody could see whoever watched the video,</p> <p>6 but also because it was one of a long line of</p> <p>7 unaccountable loss of life at the hands of -- I'm</p> <p>8 answering your question.</p> <p>9 Q. Go ahead. I'm not saying anything. Go</p> <p>16:25:12 10 ahead.</p> <p>11 A. But you are gesticulating is if to.</p> <p>12 Q. Right, because it's not the question I asked.</p> <p>13 A. No, it is the question you asked, and your</p> <p>14 gestures would lead anybody in my position to stop</p> <p>16:25:23 15 themselves in their tracks. That's why I'm asking,</p> <p>16 let me finish.</p> <p>17 So you asked me, why did you not call</p> <p>18 Kathleen O'Toole and I'm explaining to you why I did</p> <p>19 not call Kathleen O'Toole. She is the police chief</p> <p>16:25:38 20 and she was the police chief at the time. And as I</p> <p>21 said, the reason Che Taylor's death was such a</p> <p>22 flashpoint in part of the -- as part of the ongoing</p> <p>23 BLM movement, was precisely not only because of the,</p> <p>24 just the shocking nature in which he was killed, but</p> <p>16:25:55 25 also because it was one in a long line of killings at</p>	<p>1 going to talk about the video. We are just going to</p> <p>2 talk about the incident. And these are going to be</p> <p>3 yes-or-no questions. I appreciate that you are going</p> <p>4 to tell me that the video showed you something else.</p> <p>16:27:41 5 We'll pull up the video in a second.</p> <p>6 My question is: Did you discover that Che</p> <p>7 Taylor was a convicted felony whose right to possess a</p> <p>8 firearm had been taken away?</p> <p>9 A. As I said, I don't know if I knew it at that</p> <p>16:27:56 10 time. I probably learned about it, you know, as part</p> <p>11 of the discussions around it.</p> <p>12 But I also do not agree with an</p> <p>13 implication in your question that somehow that killing</p> <p>14 might have been justified because of his prior</p> <p>16:28:13 15 background. I don't agree with that.</p> <p>16 Q. I'm not implying that at all. I'm saying,</p> <p>17 did you know that?</p> <p>18 A. I'm saying that I think you are implying</p> <p>19 that, so I'm saying I don't agree with an implication.</p> <p>16:28:24 20 Q. I'll caution you not to worry about what I</p> <p>21 think. Just listen to my question and answer my</p> <p>22 question.</p> <p>23 My next question is: Did you know that</p> <p>24 Officer Miller and Officer Spaulding observed a</p> <p>16:28:38 25 firearm on Che Taylor's holster, and that confirmed he</p>
Page 115	Page 117
<p>1 the hands of police where the police had not been held</p> <p>2 accountable. So I was in no way under any illusion</p> <p>3 that having conversations with the police department's</p> <p>4 chief is going to give me any reasonable answers.</p> <p>16:26:17 5 It's a question of what the police</p> <p>6 department's record is, and we have seen -- you know,</p> <p>7 this was seven years ago. We have seen since then</p> <p>8 what has happened. There's been killing after killing</p> <p>9 at the hands of the police, and Che Taylor's was one</p> <p>16:26:33 10 of them. And so I believe that for me to be informed</p> <p>11 as an elected representative, I don't -- there's no,</p> <p>12 there's no expectation in my mind that calling the</p> <p>13 police chief is going to illuminate the issue in any</p> <p>14 useful way to me or enlighten me in the way I need to</p> <p>16:26:53 15 be. I think that watching the video and talking to</p> <p>16 community members, especially in the black community,</p> <p>17 was what I needed to do.</p> <p>18 Q. Did you know, did you at any time discover</p> <p>19 between February 21st and before your rally, that Che</p> <p>16:27:11 20 Taylor was a convicted felony whose right to possess a</p> <p>21 firearm had been taken away?</p> <p>22 A. I don't know if I was aware of that or not.</p> <p>23 However, as I said, the video made it very clear that</p> <p>24 it was an execution-style killing.</p> <p>16:27:29 25 Q. And we're going to put that aside. We're not</p>	<p>1 did not have a lawful right to possess that firearm?</p> <p>2 ATTORNEY IGLITZIN: Object to the form.</p> <p>3 The question assumes facts not in evidence.</p> <p>4 Q. Go ahead. Did you know that?</p> <p>16:28:50 5 A. Sorry. Ask that question again.</p> <p>6 Q. Sure. Did you know that on February 21st,</p> <p>7 when Officer Miller and Officer Spaulding saw Che</p> <p>8 Taylor, he had a gun in his holster, and they</p> <p>9 confirmed that his right to possess a firearm had been</p> <p>16:29:09 10 taken away because he was a convicted felony?</p> <p>11 ATTORNEY IGLITZIN: I also object it's</p> <p>12 compound, as well as a question that specifically</p> <p>13 confirms facts that are not true.</p> <p>14 Q. Go ahead.</p> <p>16:29:19 15 A. First of all, you are using the names of the</p> <p>16 officers. I don't want my response to imply that I</p> <p>17 knew the names at that time, because I did not.</p> <p>18 Q. Okay. Let me rephrase the question, then.</p> <p>19 Did you know that the officers that shot Che Taylor,</p> <p>16:29:37 20 they saw Mr. Taylor with a gun in his holster, and</p> <p>21 after seeing him with a gun in his holster, they then</p> <p>22 confirmed that he did not have a lawful right to</p> <p>23 possess a firearm? Did you know that?</p> <p>24 ATTORNEY IGLITZIN: Objection to the form</p> <p>16:29:54 25 of the question, compound, assumes facts,</p>

30 (Pages 114 to 117)

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Kshama Iyengar Sawant

January 12, 2023

Page 118		Page 120	
1	counterfactual facts.	1	environment committee. I don't know what that --
2	Q. Go ahead.	2	A. I was the chair.
3	A. It's difficult to answer that question,	3	Q. You were the chair. Now, civil rights issues
4	because, again, the question is premised on this idea	4	fell under your purview; right?
16:30:04 5	that what the police say is a fact. Well, there's	16:32:47 5	A. No, no. It was not civil rights. It was --
6	been just countless, countless numbers of incidents	6	I think it was energy and sustainability, or something
7	that show that police will actually brazenly lie in	7	like that. It was definitely not civil rights.
8	order to justify their excessive use of force.	8	ATTORNEY SINGLA: Dmitri, I can print this
9	So I honestly cannot answer that question	9	out, or you can just take a look at it, and then I'm
16:30:26 10	because it's premised on this idea. I mean, you are	16:33:26 10	going to show it to her.
11	saying, did you know that this is a fact? Well, I	11	ATTORNEY IGLITZIN: Let me look at it.
12	don't accept that's a fact or not, so it's hard for me	12	You can show it to her.
13	to answer that.	13	A. What is it?
14	Q. You didn't call for a hearing or a public	14	Q. I'm just looking at, this is the city council
16:30:46 15	hearing in this speech on February 25th; did you?	16:33:47 15	member assignments for 2016, 2017. It shows you as
16	A. Like I said, it's been seven years, so I	16	the vice share for civil rights, utilities, economic
17	don't -- as far as the transcript -- I'm answering the	17	developments, and arts. Do you see that?
18	question. But as far as the transcript that you have	18	A. I'm the vice chair of that, yes. Sorry. I
19	handed me and the recording that you played, no, I did	19	thought you were asking about the committee that I
16:31:01 20	not.	16:34:01 20	chaired, and that's why I said that it was definitely
21	Q. And that's the recording. We played the	21	not civil rights.
22	recording as well.	22	Q. You were the vice chair on this committee;
23	A. That's what I meant.	23	right?
24	Q. In the recording, nowhere do you call for a	24	A. I was the vice chair of that committee.
16:31:08 25	public hearing or anything like that; right?	16:34:10 25	Q. And that committee dealt with civil rights
Page 119		Page 121	
1	A. Not in the recording, no.	1	issues; right?
2	Q. And, in fact, you only called for the public	2	A. That committee dealt with civil rights;
3	hearing the day after you gave the speech where you	3	however the committee of Lorena González dealt with
4	said Che Taylor Che Taylor was brutally murdered by	4	the police department.
16:31:24 5	the police; right?	16:34:20 5	Q. You could have asked for a hearing or you
6	A. Which speech are you referring to?	6	could have done that hearing in the civil rights
7	Q. February 25th. You emailed Lorena González	7	committee; right?
8	and called for a public hearing -- you requested a	8	A. I'm not sure. What do you mean? I'm vice
9	public hearing with Lorena González on February 26th,	9	chair. I don't decide what -- no, just to clarify,
16:31:40 10	the day after you had been at that rally; right?	16:34:35 10	you are not actually right. I cannot do that.
11	ATTORNEY IGLITZIN: You mean 2016?	11	Q. Got it.
12	ATTORNEY SINGLA: 2016.	12	A. Per council rules, I cannot. I can only do
13	A. I did send an email asking for a public	13	things in my committee, the committee that I chair.
14	hearing.	14	Q. Got it. You would agree with me your speech
16:31:51 15	Q. And if you want to take a look at Exhibit-8.	16:34:50 15	dealt with civil rights issues; correct?
16	I believe it's the last page. On February 26th, when	16	A. I would not only say it's civil rights. It's
17	you emailed Lorena González and Chief O'Toole, and you	17	also police accountability, it's racism, economic
18	asked Lorena González, Councilmember González at the	18	inequality. All of it is wrapped up in it.
19	time, for a public hearing; correct?	19	Q. I fully agree with you. But racism, as a
16:32:26 20	A. That's correct.	16:35:12 20	civil rights lawyer, I know racism and systemic racism
21	Q. So that was one day after the rally; right?	21	is a civil rights issue; right?
22	A. That's correct.	22	A. It's at least partially a civil rights issue.
23	Q. Now, my question is: At that time I looked	23	Q. So nothing prevented you from also emailing
24	at what committees you were on, and I believe you were	24	the chair of the committee where you were vice chair
16:32:36 25	the vice chair of energy, civil rights, and	16:35:30 25	and asking for a public hearing in that committee;

31 (Pages 118 to 121)

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January 12, 2023

Page 122		Page 124	
1	right?	1	A. As I said before about this period, it's been
2	A. Again, your question implies that somehow I	2	so many years, it would be hard for me to say I
3	emailed -- that I should have emailed Lisa Herbold,	3	remember, exactly. But just going by the way my
4	who was chairing the civil rights committee, as	4	office approaches political issues, I'm sure we were
16:35:52 5	opposed to Lorena González, who was chairing the	16:46:32 5	talking to community members about -- not just about
6	police department -- chaired the committee that	6	that one incident, but about the pattern of police
7	oversees the police department. And in general, I	7	brutality and the need for accountability and the need
8	could have emailed the council president. I mean,	8	for elected community oversight, and you know, things
9	there's lots of emails that I could have sent.	9	like that.
16:36:06 10	It's very clear from -- it was very clear	16:46:53 10	But I could not -- it's been so long, that
11	to me from the rally, and from, as I said, it was not	11	I could not tell you how much or whom, but I'm just
12	an isolated incident. This was a long series of	12	giving you a general sense of what we might have done.
13	incidents that showed a lack of accountability from	13	Q. Let me ask this: Between February 2016 and
14	the police department. It was, very specifically the	14	February of 2017, did you contact Kathleen O'Toole,
16:36:24 15	anger was against the police department. And so I	16:47:13 15	the chief at that time, to ask about what happened at
16	think it is fairly obvious why I emailed the council	16	the Che Taylor incident?
17	member who chaired the police department overview.	17	A. I don't remember if I did or not, but it is
18	Q. I'm going to caution you not to read into my	18	very possible that we did, because we do ask -- my
19	questions. My question is a very simple question, and	19	office does send queries of that kind, where we ask
16:36:43 20	I think you answered, no, you did not email Lisa	16:47:35 20	what happened about this or that. But I could not
21	Herbold to ask for a hearing in the civil rights	21	tell whether we did or not in this incident.
22	committee; right?	22	Q. If your office sends queries of this kind
23	A. That's my part of my answer, but I do not	23	about what happens --
24	accept that your questions do not have implications.	24	A. If your officer?
16:36:55 25	Of course your questions have implications, and I	16:47:47 25	Q. Office. If your office sends queries of this
Page 123		Page 125	
1	will -- I do consider it important in this, in this	1	type about what happened in a particular incident,
2	proceeding, that I identify what I believe is your	2	what didn't happen --
3	implication and then respond to that in the process of	3	A. No, I didn't mean that. I meant, what did
4	responding to your question, and explaining why it was	4	you do to investigate it, or that's what I meant. Or,
16:37:10 5	crucial for my office to email the council member who	16:48:02 5	you know, we often will -- and this is something, goes
6	chaired the committee that oversaw the police	6	to something we were talking about earlier. If the --
7	department.	7	if there had been a council discussion, especially
8	Q. Okay. Did you, between February 21st, after	8	during the budget, about, you know, that they have to
9	the incident and before the rally, contact then	9	do a certain task and there's a certain budget
16:37:29 10	prosecutor Dan Satterberg to ask for charges to be	16:48:20 10	allocated to that, just inquiring whether that was
11	filed against the officers, based upon what you saw in	11	done or not, I meant in that way.
12	the video?	12	Q. Did your office send any inquiry between
13	A. I don't believe I did. But I also, I could	13	February 21st, 2016 and before the rally to the chief
14	not tell you for sure, because it's been a long time.	14	or her command staff, asking about any particulars
16:37:49 15	Is it okay if I get some water?	16:48:39 15	about what happened with the Che Taylor incident?
16	Q. Sure. There's water right there.	16	A. When you say "rally," you are referring to
17	ATTORNEY IGLITZIN: Can we take a personal	17	the 2017 rally?
18	privilege, I need a quick break.	18	Q. 2016 rally.
19	ATTORNEY SINGLA: Yeah.	19	A. Sorry. So you are asking what I did before
16:41:30 20	(Recess.)	16:48:50 20	the rally?
21	Q. So we're going to move from February 25th of	21	Q. Let me reframe it. Che Taylor died on
22	2016 to February of 2017. We're going to talk about	22	February 21st of 2016. You attended --
23	that one-year period next. What did you do within	23	A. Oh, I see what you are saying.
24	that one-year period to further inquire about what	24	Q. -- the rally on February 25th of 2016.
16:46:06 25	happened at the Che Taylor incident?	16:49:02 25	Before you attended the rally and after Che Taylor

32 (Pages 122 to 125)

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Kshama Iyengar Sawant

January 12, 2023

Page 126		Page 128	
	1 died, did your office send any queries, inquiries to	1	depends on what the particular elected official
	2 the chief of police or command staff to get an	2	considers honest engagement. And whether or not a
	3 understanding or get an idea of what happened at the	3	particular elected official considers honest
	4 incident?	4	engagement or not depends on their politics.
16:49:19	5 A. I think you asked this question before, and	16:52:15	5 So there are many elected officials -- and
	6 so I would just give you the -- share with you the	6	this is the problem, actually, because American
	7 response that I had given to you earlier, which is	7	politics is full of politicians who don't actually use
	8 that I don't remember exact --	8	their elected office to fight to hold the police
	9 Q. Okay.	9	accountability. And when I say "fight," I mean
16:49:34	10 A. No, that's not the end of the response.	16:52:32	10 politically fight, politically build a movement, and
	11 I don't remember whether I did or not.	11	that sort of thing.
	12 However, as I said, I also added that I don't believe	12	So I could not speak for other elected
	13 that calling the police chief will give me -- will	13	officials, whether or not they think that the police
	14 illuminate the issue or enlighten me in a way that	14	are engaging -- the police department leadership is
16:49:54	15 needs to be, in the sense that Che Taylor's death was	16:52:44	15 engaging in honest -- I mean, whatever term I used,
	16 far from isolated. This was part of a pattern of the	16	honest engagement or not, are basically engaged in
	17 police department, and this was -- you know, and this	17	discussing honestly or showing accountability. You
	18 whole pattern of excessive use of force had been	18	know, you can use different phrases to mean the same
	19 documented, because other people had been talking	19	thing.
16:50:10	20 about it for years before I ever got on the city	16:52:57	20 But my point is that, whether or not you
	21 council.	21	think that depends on your politics. Like Gregg
	22 Q. But you said that your office does regularly	22	MacDonald, the constituent who wrote to us, he has a
	23 send inquiries to the police department?	23	different political view of society, and so his view
	24 A. I didn't say "regularly." And in fact, I did	24	of the police is different.
16:50:26	25 not say police department at all. I said that we do	16:53:12	25 Similarly, I would presume that most, if
Page 127		Page 129	
	1 sometimes send emails to departments, but I did not	1	not all, of the elected officials, other than me,
	2 actually say police department, because in accordance	2	probably have a different view on that. We've had
	3 with what I had said earlier -- and I can't remember	3	many of those debates publicly. So there's no --
	4 when, because it's been several hours -- but I did say	4	nothing that I'm telling you is new or a mystery or
16:50:46	5 that the police department actually is not like other	16:53:27	5 hidden or anything like that. It's very clear that my
	6 departments. Yes, as you said, formally it is part of	6	office has had a very unique track record on demanding
	7 the City of Seattle departments. However, the police,	7	police accountability. So the views of other elected
	8 you know, there is such a, such a striking track	8	officials are going to depend on their politics.
	9 record of unaccountability, that you couldn't put	9	Q. So it's your position for your office, that
16:51:07	10 other departments in the same kind of description.	16:53:46	10 you don't necessarily think engaging with the police
	11 And so actually, if you look at the work	11	department is fruitful, because, according to your
	12 that our office does, we don't actually send that -- I	12	office, there's a lack of honest engagement?
	13 mean, I'm sure we have sent email inquiries to the	13	A. As I said, it is true that we have engaged
	14 police department. I'm not saying we haven't. I'm	14	with them, but overall, what is my opinion about the
16:51:25	15 just saying we don't have an expectation of any honest	16:54:06	15 police department? Yes, there is a systematic
	16 engagement from the police department, precisely	16	problem, not just with the Seattle Police Department,
	17 because there is an entrenched culture and practice of	17	but with police departments nationally. There's
	18 lack of accountability.	18	nothing unique in that sense about the Seattle Police
	19 Q. Do you think that honest engagement -- your	19	Department.
16:51:42	20 words are not mine, your words of honest engagement.	16:54:19	20 Q. Between February 2016 and February of 2017,
	21 Do you believe that the lack of honest engagement is	21	did you review any of the statements by the officers
	22 only with your office, or is it with the entire	22	or witnesses involved in the Che Taylor incident?
	23 council?	23	A. Again, as I said before, it's been so long, I
	24 A. I think whether or not there would be --	24	don't remember if I did or not.
16:51:58	25 whether or not there would be honest engagement	16:54:38	25 Q. Did you call Dan Satterberg, the King County

33 (Pages 126 to 129)

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Kshama Iyengar Sawant

January 12, 2023

Page 130		Page 132	
	1 prosecutor at the time, and ask for criminal charges	1	A. I don't know if I knew that specifically or
	2 to be filed against the officers who were involved in	2	not, but I accept that that's true, if you are saying
	3 the Che Taylor incident between February 2016 and	3	it.
	4 2017?	4	Q. Do you know that an inquest hearing is open
16:54:56	5 A. I believe you asked me a similar question	16:57:33	5 to the public?
	6 before, and --	6	A. I'm not sure if I knew that or not.
	7 Q. That one was for just the four days --	7	Q. Do you know not only that an inquest hearing
	8 A. Yes.	8	is open to the public, but evidence is presented under
	9 Q. -- between February 21st and the 25th. Now	9	oath under the penalty of perjury, the exact same way
16:55:05	10 I'm asking from the 25th until February of 2017,	16:57:47	10 that you are testifying here today, where witnesses
	11 within that time period, did you contact the then King	11	are asked questions and they are required to answer
	12 County prosecutor, Dan Satterberg, and ask him to file	12	them truthfully?
	13 charges against the two officers involved in the Che	13	A. Again, I don't know -- I didn't know
	14 Taylor shooting?	14	specifically the way you are stating is what happens
16:55:23	15 A. Again, it's been so long, I don't remember	16:58:00	15 in the inquest, but I assume something along those
	16 exactly if I did or not.	16	lines happens.
	17 Q. Okay. Did you attend the inquest hearing	17	But I would also say that there have
	18 that occurred in February of 2017?	18	been -- just in the case of the police departments
	19 A. I did not.	19	across the nation, the reason that there is a
16:55:36	20 Q. Did you have any of your staff members attend	16:58:17	20 systematic use of violence and excessive use of force
	21 the inquest hearing?	21	against just ordinary citizens, as I said, is not
	22 A. I cannot remember if I did or not.	22	because those legal procedures, like the inquest, for
	23 Q. Do you know what an inquest hearing is?	23	example, are not happening, but because that whole
	24 A. I have a very layperson's idea of what that	24	system is not delivering justice to ordinary people.
16:55:54	25 might be.	16:58:41	25 Q. That wasn't my question. My question just
Page 131		Page 133	
	1 Q. Did you do any research to understand what an	1	was --
	2 inquest hearing is?	2	A. I was answering. I know that was not your
	3 A. Again, this is one of the questions where	3	direct question --
	4 there's an implication behind the question, so I'm	4	Q. Yep.
16:56:07	5 going to answer the question, but I'm also going to	16:58:49	5 A. -- but I'm also not stupid. I know what the
	6 say that I don't like the implication.	6	implication of your question is. There's a series of
	7 Q. Well, I'll withdraw the question. Let me ask	7	questions that shows that you are talking about --
	8 the question. What is your understanding of an	8	It has nothing to do with my counsel. I'm
	9 inquest hearing?	9	responding to your questions.
16:56:16	10 A. My understanding is that there is an initial	16:59:06	10 Q. No, go ahead.
	11 assessment of a given incident, and some initial legal	11	A. I've answered all your questions factually,
	12 assessments are put forward about what that might be.	12	but I'm also adding to those factual responses by
	13 Q. Do you know that a judge from a district	13	saying that I'm not, I'm not surprised that an inquest
	14 court, an elected judge from a district court presides	14	happened. But I am also very much not surprised if
16:56:55	15 over an inquest hearing?	16:59:25	15 that particular inquest, like many other inquests in
	16 A. I don't know if I knew it for a fact, because	16	the cases of killings at the hands of the police, did
	17 I'm not a lawyer, but I'm also not surprised to hear	17	not deliver any kind of justice to the people
	18 that you say that. I accept that you are saying that.	18	involved.
	19 Q. You don't need to be a lawyer to do this.	19	Q. Right. And you had said that one of the
16:57:06	20 You can go on a website and anybody can see it. So	16:59:37	20 things that you wanted as part of your process was an
	21 I'm going to ask you a series of these questions.	21	independent investigation, where there would be an
	22 Did you know that an inquest hearing also	22	independent group of people who would hear evidence in
	23 involves a jury from the community who reviews	23	a public forum and the findings would be publicly
	24 evidence that is presented to them to answer	24	available. An inquest hearing is an independent group
16:57:21	25 questions?	17:00:06	25 of jurors, similar to jurors that would be trying a

34 (Pages 130 to 133)

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Kshama Iyengar Sawant

January 12, 2023

Page 134		Page 136	
1	criminal case or a civil case, sitting with a judge in	1	question.
2	a public process, hearing evidence under oath. Is	2	ATTORNEY IGLITZIN: That's fine.
3	that a sufficient independent process for you?	3	Q. I'm going to ask the question. It's not in
4	A. Well, I would say that anybody who thinks	4	the criminal justice system. An inquest hearing is a
17:00:24 5	that the current state of affairs in terms of the	17:02:45 5	civil proceeding very similar to the civil proceeding
6	criminal justice system in the United States, that	6	that's going to happen in this case; where if this
7	offers any actual public hearing or just	7	case goes to trial, this will be a civil proceeding in
8	investigations, is completely out of touch with the	8	front of a judge with a jury that's going to answer
9	facts.	9	questions.
17:00:38 10	I mean, regardless of your opinion, the	17:03:01 10	Is it your position that civil proceeding,
11	facts are that the vast majority of people who get	11	like an inquest hearing or here, is somehow unfair?
12	ensnared in the criminal justice system do not -- are	12	ATTORNEY IGLITZIN: I'm going to object to
13	not getting justice by the system. And so I do not	13	the form of the question, and it makes assertions that
14	believe that the -- I mean, I'm not talking just this	14	are not in evidence or not actually factually correct.
17:01:01 15	particular case. I do not believe that any	17:03:15 15	You can go ahead and answer.
16	procedures, including inquest -- I'm not just saying	16	A. Well, when I said "criminal justice system"
17	inquest -- in the broken criminal justice system in	17	in response to your question about the inquest, I was
18	the United States necessarily delivers justice. It	18	not talking about the specific legal nature of
19	may or may not in a given situation. But if you look	19	inquest, which I did not even know until you told me,
17:01:17 20	at statistically, then, no, statistically speaking,	17:03:30 20	because I'm not a lawyer.
21	part of the racism in the United States, part of the	21	But my answer was about the general idea
22	anti-poor society, anti-working class society that we	22	of whether people can get justice in the criminal
23	have here, is that working class people, poor people,	23	justice system. Only a person who is completely
24	and people of color actually get very little justice	24	dishonest or out of touch with reality would say that
17:01:36 25	inside the criminal justice system.	17:03:47 25	that's true for the most part in the United States,
Page 135		Page 137	
1	So when I talk about public hearings and	1	because it's not. Because if that had been true, you
2	independent investigations, I'm not talking about	2	would not have had the George Floyd movement, which
3	inquests from within the criminal justice system. And	3	was the largest protest movement in U.S. history.
4	furthermore, the public hearings that I'm talking	4	Q. So let's go through Exhibit-7. Let's go
17:01:50 5	about is where ordinary people can come in big numbers	17:04:02 5	through what an independent jury of eight people in a
6	and talk about how unjust this was.	6	civil proceeding presided over by a judge hearing
7	So again, from a layperson's standpoint	7	evidence in public about Che Taylor, what that jury
8	that there should be accountability, there should be	8	found. I'm going to ask you whether or not you will
9	an elected community oversight board. All of that.	9	accept what the jury's finding are in a civil
17:02:06 10	But none of that process, none of the politically	17:04:23 10	proceeding -- not criminal proceeding, in a civil
11	important progress that needs to be made can be made	11	proceeding -- open to the public with an impartial
12	inside the narrow confines of the criminal justice.	12	judge and impartial jury.
13	So when you ask me about the inquest, no, I don't	13	ATTORNEY IGLITZIN: I'm going to object to
14	believe that that's enough.	14	the form of the question and the embedded assumptions.
17:02:21 15	Q. So I'll tell you that an inquest hearing is	17:04:34 15	ATTORNEY SINGLA: Okay. That's fine.
16	not part of the criminal justice system. It's not a	16	Q. So do you accept that eight people found yes
17	criminal proceeding at all. It's a civil proceeding.	17	to the answer that, on the afternoon of February 21st,
18	It's completely outside of the criminal justice	18	2016, police officers Scott Miller and Michael
19	system.	19	Spaulding conducting surveillance on apartment 3 at
17:02:35 20	A. But to be clear, I am not speaking --	17:04:49 20	the complex located at 2024 Northeast, Seattle,
21	ATTORNEY IGLITZIN: Okay --	21	Washington? Do you accept that eight people said yes
22	ATTORNEY SINGLA: Let me -- I'll ask the	22	to that question?
23	question.	23	A. Well, again, your question was not just this
24	ATTORNEY IGLITZIN: Okay.	24	question, but also the preface you used, so I'm going
17:02:37 25	ATTORNEY SINGLA: I'm going to ask the	17:05:04 25	to respond to your question and the preface. Because

35 (Pages 134 to 137)

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Kshama Iyengar Sawant

January 12, 2023

Page 138		Page 140	
1	you said the preface, so I'm going to respond to it.	1	complaint -- let me now finish.
2	Of course I am reading the same document	2	ATTORNEY SINGLA: That's fine.
3	that you are reading, so obviously yes, what you just	3	ATTORNEY IGLITZIN: It's got nothing to do
4	read is what's written, so of course, that's, you	4	with the allegations that your clients brought in this
17:05:21 5	know, that's a matter of fact.	17:07:36 5	case against Councilmember Sawant. So her
6	However, you framed this as if to imply,	6	philosophical opinions about the -- I've given you
7	and you've done that again and again, as if to imply,	7	what I think is five, six hours of tremendous leeway
8	that if the inquest was done, which as you are just --	8	to explore things that are not legally relevant, but,
9	I did not even know this, but as you are informing me,	9	yeah, I'm not going to get into that. There is a
17:05:36 10	is not technically part of the criminal, but it's	17:07:51 10	point where you have to go, Councilmember Sawant is an
11	civil, that all may be true. I'm not challenging	11	elected public official. This is a publicly
12	those facts that you've stated.	12	available -- you know, there's no protective order for
13	But I do not accept your premise that	13	this deposition, so I'm just going to draw the line
14	because that inquest was done and because eight people	14	there.
17:05:49 15	reached this conclusion that justice was delivered,	17:08:06 15	ATTORNEY SINGLA: Well, first of all,
16	because obviously not. Obviously not. If this were	16	about three hours with the breaks. Secondly, she's
17	true, then there would be no question of police	17	not even accepting the premise that the jury can make
18	accountability, I mean, because everybody would agree,	18	a finding in an inquest hearing.
19	whether or not you agreed on a given case, overall,	19	ATTORNEY IGLITZIN: You can ask her -- I
17:06:06 20	that the police were being held accountable.	17:08:16 20	didn't object to you --
21	But that is simply not true. I mean, the	21	ATTORNEY SINGLA: Hold on a second.
22	premise you are setting up is so stunningly	22	I've got to wonder if she's going to
23	contradictory to just the overwhelming mass of facts,	23	accept the premise that a judge or a jury in this
24	that it is hard to just answer your part of the	24	case, in a civil proceeding will make that finding.
17:06:22 25	question without answering the premise. Your premise	17:08:24 25	ATTORNEY IGLITZIN: And you can wonder,
Page 139		Page 141	
1	is completely at odds with overwhelming reality.	1	but it's got nothing to do with the allegations in
2	But if you are asking just of this	2	this suit.
3	question, yeah, I'm reading the same document that you	3	ATTORNEY SINGLA: You can ask for a
4	are reading, and yes, that's true.	4	protective order.
17:06:33 5	Q. Let me set aside -- let me put another	17:08:30 5	Q. Let me ask you the question on page 3. I'm
6	premise. If you are found liable for defamation in a	6	going to ask you the question on page 3, question 11.
7	federal proceeding in a jury trial, will you accept	7	Well, before I ask this question, let me back up.
8	the premise that you were found liable?	8	This inquest, the results of this inquest
9	ATTORNEY IGLITZIN: I'm going to object to	9	hearing -- and if you look at the last page -- were
17:06:48 10	that question. I think it's oppressive and	17:09:09 10	read on February 10th of 2017. Do you see that?
11	inappropriate, and if you want, I'll move for a	11	A. Yes.
12	protective order on this.	12	Q. Did you, did you understand or did you know
13	ATTORNEY SINGLA: You can. I want to hear	13	that this inquest hearing had these results as of
14	the answer.	14	2017?
17:07:03 15	ATTORNEY IGLITZIN: No, I'm going to	17:09:21 15	A. I believe I answered a similar question
16	direct her not to answer.	16	before. I don't think I knew about it, but I
17	Q. Will you accept the premise of what a judge	17	also don't -- it's been so long, I don't remember.
18	or a jury may have as a finding in this case, whether	18	Q. Let me give you this --
19	it's against you or in your favor?	19	A. I would be inclined to say that I --
17:07:17 20	ATTORNEY IGLITZIN: Same objection. It's	17:09:41 20	actually, yeah, I should not venture because of my
21	not a proper question. We go to a judge. We go to a	21	memory here is, I couldn't be confident.
22	jury. We get appeals.	22	(Exhibit-14 marked.)
23	ATTORNEY SINGLA: Sure.	23	Q. Just to kind of give you a context, this
24	ATTORNEY IGLITZIN: It's got nothing to do	24	is -- it's kind of printing out weird, but it starts
17:07:26 25	with the facts of this case and the allegations in the	17:10:06 25	on page 4 of 11. This is the KUOW article about the

36 (Pages 138 to 141)

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Kshama Iyengar Sawant

January 12, 2023

Page 142		Page 144	
1	inquest hearing as of 2017, where it says that the	1	to agree with the premise. I'm just asking her to
2	jury finds Che Taylor posed a threat to Seattle	2	recognize that eight jurors answered this question
3	Police. Do you see that?	3	yes. That's all I'm asking.
4	A. Sorry. Which page are you saying?	4	ATTORNEY IGLITZIN: If you know the
17:10:33 5	Q. Page 4 of 11. See right here.	17:13:03 5	answer, you can answer it.
6	A. Sorry. I do see it.	6	A. I do have an answer. Again, this is the --
7	Q. This was part -- I mean, it wasn't as if this	7	it's a fact that this inquest happened. It's a fact
8	was in hiding. I mean, do you remember seeing news	8	that the jurors decided this. So inasfar as you are
9	articles like this? And it was publicized pretty	9	asking me, do you agree that this happened, of course
17:11:13 10	widely, the results of the inquest hearing.	17:13:25 10	I agree.
11	A. Like I said, I don't remember, it's been so	11	But again, your question is not an
12	long.	12	innocuous one. It is, again, based on the premise
13	Q. Then I'm going to take you back to the	13	that somehow because that inquest happened and because
14	inquest hearing itself. At the very least, will you	14	eight jurors decided this, that this was the final
17:11:26 15	agree that eight jurors answered questions yes when	17:13:40 15	word on the justice or injustice in the case of Che
16	asked the question, "Did Officer Scott Miller inform	16	Taylor's killing.
17	Officer Spaulding, that he saw Che Taylor carrying a	17	And my response is to the implied premise,
18	holstered handgun on his right hip?"	18	which you are not stating, but it's obviously there,
19	ATTORNEY IGLITZIN: I'm going to direct	19	is that if that were -- if that were the bar where we
17:11:43 20	you to only agree to things you actually know. Don't	17:13:58 20	had to draw, where if some sort of proceeding happened
21	agree just because counsel handed you a piece of paper	21	in the criminal justice system, that somehow that
22	and it says something.	22	should be the last word on -- or somehow that should
23	ATTORNEY SINGLA: Well, why don't you	23	imply justice was done, well, that's completely, as I
24	object to the form of the question, rather than --	24	said before, completely contrary to the overwhelming
17:11:53 25	ATTORNEY IGLITZIN: Fair enough. Object	17:14:22 25	reality across the nation, including Seattle, about
Page 143		Page 145	
1	to the form of the question.	1	whether or not people get justice in the police
2	ATTORNEY SINGLA: Thank you. That was a	2	department -- after actions by the police department,
3	little bit more of a coaching than --	3	because they don't. For the most part, they don't.
4	ATTORNEY IGLITZIN: I think it was an	4	That is why you have had mass movements.
17:11:58 5	appropriate instruction to the witness.	17:14:36 5	That is why you have had the, the emergence of the
6	Q. So I will give you the premise that this is	6	Black Lives Matter movement, and that is why you have
7	what the jury found in answering the interrogatories,	7	study after study, including, you know, Michelle
8	and you can look at that, because the first page says,	8	Alexander's, The New Jim Crow, where people have
9	"Final Interrogatories to the Inquest Jury."	9	documented how it's actually deeply unjust.
17:12:13 10	So the jury was given these	17:14:57 10	If you are just asking as a fact, did this
11	interrogatories, and there were eight jurors. Eight	11	inquest happen, do you agree this inquest happened, of
12	jurors were asked to answer yes or no or unknown	12	course I agree this inquest happened. Do you agree
13	question. And would you agree that on this inquest	13	that these eight people reached a decision? Of course
14	hearing, eight jurors answered, yes, that Scott Miller	14	they did. So I'm not in the business of denying
17:12:30 15	told Michael Spaulding, both officers, that Che Taylor	17:15:11 15	reality. I'm not in an alternate universe.
16	was carrying a holstered handgun?	16	However, I also don't think you can take
17	ATTORNEY IGLITZIN: Can I ask you to	17	these questions sort of just as isolated. They don't
18	clarify the question in one regard?	18	exist on a planet by themselves. This is a part of
19	ATTORNEY SINGLA: Yes.	19	the overall political and social situation that is
17:12:39 20	ATTORNEY IGLITZIN: As I understood the	17:15:28 20	related to racism and the lack of police
21	question, you are representing to Councilmember Sawant	21	accountability.
22	that this is what the inquest injury answered, and you	22	Q. You don't have the authority to file charges
23	are asking her now if she agrees with that, assuming	23	against the officers who are involved in the Che
24	the premise is accurate?	24	Taylor incident; right?
17:12:52 25	ATTORNEY SINGLA: No. I'm not asking her	17:15:42 25	A. I do not.

37 (Pages 142 to 145)

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Kshama Iyengar Sawant

January 12, 2023

Page 146		Page 148	
1	Q. The King County prosecutor's office has that	1	A. It's fine to accept without having to go
2	authority; right?	2	through all that.
3	A. Legally, that's the legal -- that's the legal	3	Q. I'm going to direct your attention to the
4	entity that has the authority to do that.	4	page where 471 at the bottom. I'm going to start on
17:15:54 5	Q. Right. And after the inquest hearing, Dan	17:22:41 5	line 23, where you said, "I join the NAACP in
6	Satterberg did not file charges against the two	6	demanding such a transparent public hearing." And
7	officers, Officer Spaulding and Officer Miller, for	7	then you say, "When Che Taylor was murdered by the
8	the Che Taylor incident; correct?	8	police, the community and I demanded such a hearing
9	A. Yes, that's correct.	9	from the Mayor and from Councilmember González, whose
17:16:11 10	Q. To this day, no charges for murder, for	17:23:06 10	committee overseas the SPD, but neither the Mayor nor
11	homicide, for assault, murder in the second degree, or	11	Councilmember Lorena González responded." Did I read
12	any criminal charges whatsoever have been filed by any	12	that correctly?
13	law enforcement agency against Officer Miller or	13	A. Yes.
14	Officer Spaulding because of the Che Taylor incident;	14	Q. And when you were saying the word "murdered"
17:16:32 15	isn't that correct?	17:23:17 15	on line 25, is that the definition that you were using
16	A. It is unfortunately true, that virtually no	16	that you have put into your declaration, "a wrongful
17	incidents of unjust killings at the hands of the	17	killing that should be considered criminal"?
18	police have been delivered justice. Che Taylor's is	18	A. Yes. When I used that term, it was exactly
19	one of them. As I said, that is why, as I said in my	19	the same as what I have used before in Che Taylor's
17:16:49 20	statement, that as a layperson, I believe that this	17:23:37 20	speech a year ago, which is basically as a layperson,
21	was murder, because it was completely unjust and just	21	not in a legal sense, but to describe something that
22	outrageous, and that it should -- that it should be	22	was completely unacceptable and unjust and that should
23	considered criminal.	23	be considered criminal.
24	Q. Not talking about all the other incidents.	24	Q. And isn't it true, that as of June 20th of
17:17:07 25	Just talking about the Che Taylor incident. Just help	17:23:57 25	2017, no criminal charges were pending against anybody
Page 147		Page 149	
1	me focus on just the Che Taylor incident.	1	for the killing of Che Taylor?
2	To this date, in the Che Taylor incident,	2	A. It is true that what you are saying is
3	no charges, criminal charges have been filed against	3	factually accurate. But at the same time, it also
4	the officers, Officer Miller and Officer Spaulding,	4	represents one in many, many incidents which add up to
17:17:24 5	because of that incident; correct?	17:24:17 5	a pattern of a lack of police accountability. And
6	A. It is factually true that no charges have	6	clearly when people were gathered for the rally in
7	been filed. I am explaining that it is part of the	7	memory of Charleena Lyles, it was clear that Charleena
8	overall and widespread and entrenched lack of	8	Lyles's loss of life, Che Taylor's loss of life, these
9	accountability in the police department, because Che	9	were not isolated incidents. They were both part of
17:17:43 10	Taylor's killing was far from isolated. It is part of	17:24:42 10	many, many incidents that were -- that indicate just a
11	a pattern of excessive use of force.	11	systematic lack of accountability.
12	Q. I'm going to hand you --	12	Q. And isn't it true, at the time that you gave
13	(Exhibit-15 marked.)	13	this particular speech in June of 2017, an inquest
14	Q. So this is the speech that you gave on	14	jury had found that Che Taylor posed a threat to the
17:18:23 15	February 20th of 2017, approximately four months after	17:24:59 15	officers in that incident?
16	the inquest hearing had concluded, and that's a	16	A. Again, as I said before, it's factually
17	transcript of that speech. Please go ahead and take a	17	accurate, but what it also represents is a deep and
18	chance to review it.	18	systematic injustice where the police departments have
19	A. (Witness complied.)	19	not been held accountability.
17:20:38 20	Q. This is a transcript we got from the	17:25:18 20	ATTORNEY IGLITZIN: After the fact, I want
21	recording. We can go through the same exercise.	21	to object to the form of that question.
22	We're a little short in time.	22	Q. And between February of 2017, when the
23	A. That's fine.	23	results of the inquest hearing were made -- well, they
24	Q. Would it be fair to accept that this is what	24	were public all along, but they were publicized in the
17:22:22 25	you said in your speech on June of 2017?	17:25:47 25	news media, and this speech that you gave in June of

38 (Pages 146 to 149)

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Kshama Iyengar Sawant

January 12, 2023

Page 150		Page 152	
1	2017, in those four months, did you contact Dan	1	And I don't accept the premise underlying
2	Satterberg to ask him to file charges against the	2	your question, that somehow because we didn't do that
3	officers?	3	one specific thing, that invalidates all the work we
4	A. I don't remember if I did or not.	4	have done. I don't accept that. I'm not clear why
17:26:01 5	Q. Did you hold a rally in front of Dan	17:28:32 5	you would just think about King County prosecutor.
6	Satterberg's office asking for the officers to be	6	Q. That wasn't --
7	charged criminally, in those four months?	7	A. And to be clear, I also don't accept that you
8	A. I did not, but I also don't accept, again,	8	can pretend that there was no implication. Of course
9	the implication in your question that somehow if I	9	there's implication. You are the opposing counsel, so
17:26:19 10	genuinely believed something should have been done, I	17:28:50 10	of course there's implication. So let's be honest
11	should have held a rally outside the office of Dan	11	about that. Let's not be coy.
12	Satterberg. Actually, that's not a bad idea, now that	12	But the fact is, that the George Floyd
13	you are saying.	13	movement, as I said, was the largest street protest
14	Q. Well, Dan is not there anymore.	14	movement in U.S. history, and in Seattle hundreds of
17:26:31 15	A. No, I meant King County. It's not about Dan	17:29:00 15	thousands of people came out. So those rallies are
16	Satterberg. It's about the King County prosecutor's	16	now countless and they happened in many different
17	office.	17	locations. So I don't agree that any one location
18	And so I actually don't disagree with you,	18	should be picked on just because it serves, you know,
19	that it might be a good idea to have a rally outside	19	convenience, you know, whatever purpose in this case.
17:26:43 20	the prosecutor's office. But I also don't accept the	17:29:17 20	I'm just saying, I'm responding as an elected
21	underlying premise of your question, that somehow if	21	representative. I'm not a lawyer. I'm not here to
22	an elected representative genuinely believed what I	22	play games. I'm telling you what I genuinely believe.
23	believe, then you would have done that rally. We have	23	Q. Ma'am, that wasn't the premise of my question
24	done -- my office has hosted a number of rallies. My	24	at all.
17:27:02 25	office has joined a number of rallies and protest	17:29:32 25	A. I think that it was.
Page 151		Page 153	
1	marches that other community leaders have called, you	1	ATTORNEY SINGLA: Dmitri, I'm going to
2	know, that I have attended or spoken at them. And so	2	instruct your client to just answer my question.
3	my record in my nearly ten years on the city council	3	ATTORNEY IGLITZIN: And I was going to ask
4	is very clear on where I stand as to police	4	you to ask the next question.
17:27:20 5	accountability.	17:29:40 5	Q. My question is: I'm not talking about George
6	Q. Not my question at all. My question was yes	6	Floyd and the George Floyd protest, because they
7	or no: Within those four months, you didn't hold a	7	happened in 2019 and forward. I'm talking about 2016
8	rally in front of the King County prosecutor's office	8	and 2017.
9	calling for charges for Che Taylor's killing; right?	9	ATTORNEY IGLITZIN: I think she answered
17:27:34 10	A. I'm answering your question. I said I	17:29:51 10	your question, that she did not --
11	didn't, but I also don't agree with the premise that	11	ATTORNEY SINGLA: No, she didn't.
12	is underlying your question.	12	ATTORNEY IGLITZIN: -- her organization did
13	Q. And between February of 2016, February 21st	13	not do -- she answered it, and then she elaborated on
14	when Che Taylor died all the way to present, you	14	her answer.
17:27:48 15	haven't held any type of a rally in front of the King	17:29:58 15	ATTORNEY SINGLA: No, no. In the second
16	County prosecutor's office calling for criminal	16	part of the question. She never answered the
17	charges to be filed on the Che Taylor's killing	17	question, she just went directly into what her point
18	incident?	18	was --
19	A. As I said, my office and my organization,	19	A. What was the question?
17:28:02 20	Socialist Alternative, together we have hosted a	17:30:04 20	Q. My question was: From 2016 all the way to
21	number of rallies. We have ourselves called for a	21	now, you have not had any type of a protest in front
22	number of rallies. We have joined other organizations	22	of the King County prosecutor's office calling for
23	in calling for rallies, and we have -- and I have	23	criminal charges for the Che Taylor incident?
24	personally spoken at or attended rallies called for by	24	A. I did answer your question.
17:28:20 25	others.	17:30:18 25	Q. So the answer is no, then, you have not

39 (Pages 150 to 153)

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Kshama Iyengar Sawant

January 12, 2023

Page 154		Page 156	
1	had --	1	person in common parlance as an elected representative
2	A. Can I answer the question?	2	who believed that what happened to Che Taylor was
3	Q. Well, let me ask the question this way: Is	3	absolutely unjust and unacceptable, and should be
4	the answer to my question, no, you have not held a	4	considered -- you know, it was wrongful and should be
17:30:30 5	rally in front of the King County prosecutor's office	17:33:08 5	considered criminal. I was speaking in that capacity.
6	between 2016 to present asking for criminal charges to	6	So I was not -- I was not -- I did not
7	be filed for Che Taylor?	7	make it in a legal sense. And I did not choose to
8	A. I did answer the question, but I will repeat	8	file this lawsuit against me. Other people chose to.
9	my answer. We have not called for a rally outside the	9	So I did not have a crystal ball at that time.
17:30:48 10	King County prosecutor's office. But I also do not	17:33:24 10	So your question, again, assumes that I
11	accept the premise in your question that somehow that	11	would have known all of this would happen. Of course
12	in itself shows anything of any significance. Because	12	not. And how would I have known, first of all,
13	in reality, as I said, it's precisely because people	13	fundamentally I was not speaking in a legal sense.
14	like the family of Che Taylor did not get justice,	14	Q. I'm not talking about speaking in a legal
17:31:09 15	family of Charleena Lyles. It's precisely because	17:33:38 15	sense. You were speaking as an elected official;
16	this has happened over and over again that the George	16	right?
17	Floyd movement happened.	17	A. I was speaking as an elected representative,
18	Had killings like Che Taylor actually	18	and my usage of the word "murder" was based on my
19	brought police officers to justice, then you wouldn't	19	opinion of what happened and what should be considered
17:31:21 20	have seen the movement happening. And that movement	17:33:52 20	criminal.
21	hosted rallies throughout the city and throughout the	21	Q. My question didn't even ask anything about
22	region.	22	murder. My only question was: You were speaking as a
23	Q. I'm going to go back to before February 25th	23	Seattle city council member; correct?
24	of 2016. Between February 21 of 2016 and before you	24	A. I was speaking as a Seattle city council
17:31:38 25	went to the rally on February 25th, why didn't you	17:34:01 25	member, yes.
Page 155		Page 157	
1	think about calling any of your fellow council	1	Q. Do you understand that speaking as a Seattle
2	members?	2	council member makes you a speaking agent for the City
3	A. Which days are you talking about?	3	of Seattle?
4	Q. I'm sorry. Let me rephrase the question.	4	ATTORNEY IGLITZIN: Objection. Call for a
17:31:56 5	Right before you went down to that	17:34:10 5	legal conclusion. Object to the form of the question.
6	impromptu rally on February 25th -- follow me? The	6	A. I don't understand what that means.
7	rally was impromptu on February 25th; right?	7	Q. Did you contact the city attorney to ask them
8	A. Yes.	8	whether or not you speaking at a rally, as an elected
9	Q. 2016. Right before you went down there, did	9	Seattle City council member, one of nine policymakers,
17:32:06 10	you call Lorena González?	17:34:27 10	whether or not your statements would make you a
11	A. I don't remember if I did or not.	11	speaking agent for the City of Seattle?
12	Q. Did you think about calling Bruce Harrell?	12	ATTORNEY IGLITZIN: Objection. Calls
13	A. I can't tell you what I thought about	13	for -- well, I'm sorry. I withdraw my objection.
14	seven years ago.	14	A. Well, first of all, I don't understand. I
17:32:19 15	Q. What about Pete Holmes, who was the city	17:34:40 15	mean, seems to me, again, this is legalistic
16	attorney at the time?	16	terminology like "speaking agent." I don't think of
17	A. Again, as I said, I may or may not have	17	my job in those terms. Obviously we, in my office, we
18	called. I may or may not have talked to them. I	18	are not, we are not -- we don't use words -- if what
19	can't recall.	19	you are getting at is, do you just speak flippantly?
17:32:29 20	Q. And did you at any point inquire that the	17:35:06 20	Of course we don't speak flippantly. But nor are we
21	public statements that you would be making, would in	21	lawyers in the sense that our primary motivator of
22	any way implicate the City of Seattle in liability for	22	what words we use is based on our view of society.
23	what happened to Che Taylor?	23	And like I said many times, the reason I
24	A. Well, as I've said repeatedly now, I was not	24	used the word "murder" was not in any way to mean it
17:32:49 25	speaking in a legal sense. I was speaking as a common	17:35:24 25	in a legal sense, which if you did, I can see you

40 (Pages 154 to 157)

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Kshama Iyengar Sawant

January 12, 2023

Page 158

1 would want to look at what would be the legal
2 consequence of that.
3 I was speaking as an elected
4 representative with my layperson's understanding of
17:35:36 5 what "murder" should be. And as you can see, that
6 opinion has been shared by many community members.
7 Q. Do you understand that as an elected
8 representative, you have a higher responsibility than,
9 say, a layperson who is not an elected representative?
17:35:54 10 ATTORNEY IGLITZIN: Counsel, I'm going to
11 lodge an objection, if you are going to continue this
12 line. Because I can't figure out the relevance, my
13 inference this is -- let me finish. For the record,
14 my inference is that this is designed solely to elicit
17:36:10 15 responses that will embarrass the council member,
16 because -- here I'm channeling my client -- the
17 insinuation is that she has somehow fallen down on the
18 job of being a council member by not considering the
19 City's pecuniary interests. So to the extent that
17:36:28 20 that's where you are going --
21 ATTORNEY SINGLA: That's not where I'm
22 going.
23 ATTORNEY IGLITZIN: All right.
24 ATTORNEY SINGLA: She's been -- throughout
17:36:30 25 this entire deposition, she's been saying, I was

Page 160

1 A. That's my interpretation of your question,
2 and that's my answer.
3 Q. So what I'm going to say is: You understand
4 that as an elected representative, you stand for
17:37:51 5 elections, stood for election three times, and people
6 have voted for you, and now you sit in office as one
7 of nine council members and decision-makers. Do you
8 have a concept that that carries a responsibility,
9 say, than somebody else who is not sitting in the
10 position of a policymaker like you are?
11 ATTORNEY IGLITZIN: I'm going to object to
12 the form of the question. Asked and answered.
13 Q. Go ahead.
14 A. Well, first of all, you said I've been voted
17:38:19 15 in three times. That's not being accurate. I've been
16 voted in four times.
17 And also, as far as your question is
18 concerned, I have answered it, and I will say it
19 again. As a socialist and as an elected
20 representative of working people, I absolutely take my
21 responsibility seriously of representing working
22 people, the poor, low-income people, communities of
23 color, marginalized and oppressed communities. And
24 that means never selling out and boldly using your
17:38:49 25 office to not only fight for justice in the case of

Page 159

1 there. I was acting as a city council member and I
2 was speaking as a layperson.
3 Q. And what I want to ask her, and this is
4 specifically and wholly relevant is: Do you have an
17:36:44 5 understanding that when you are elected by your
6 district as an elected representative, you have a
7 higher responsibility for your actions than, say, an
8 average unelected person?
9 ATTORNEY IGLITZIN: I'm going to object to
17:36:59 10 the form of the question, and assumes concepts, I
11 guess, not in evidence.
12 You can certainly go ahead and answer.
13 A. I will answer to that point, I will answer
14 based on my understanding of what you believe -- what
17:37:11 15 you -- what I believe -- what did you -- "higher"
16 what? "Higher responsibility"?
17 Q. "Higher responsibility."
18 A. As a socialist and as an elected
19 representative of working people, I absolutely believe
17:37:25 20 that I have -- I'm not going to characterize it in
21 terms of higher, but I do believe that I have
22 tremendous responsibility in my -- my office has a
23 tremendous responsibility to doggedly and boldly
24 represent the interests of working people.
17:37:41 25 Q. Not my question.

Page 161

1 police accountability, but also winning victories,
2 like the \$15 minimum wage and the Amazon tax, not to
3 mention the whole host of renter's rights that we have
4 won.
5 ATTORNEY SINGLA: This case is nothing --
6 I'm going to make a motion to strike.
7 Q. This case is nothing about renter's rights,
8 Amazon tax --
9 ATTORNEY IGLITZIN: You asked her about
17:39:15 10 her conception of her role on the city council.
11 ATTORNEY SINGLA: No, I did not.
12 ATTORNEY IGLITZIN: Well, a higher
13 authority didn't mean anything -- a higher
14 responsibility didn't mean anything, other than --
15 ATTORNEY SINGLA: I'm not going to argue
16 with you, Dmitri.
17 ATTORNEY IGLITZIN: That's fine.
18 Q. Here's my next question for you: At any
19 point before you went down to that rally on
17:39:28 20 February 25th, did you consider that you should
21 perhaps show restraint and say, We should inquire
22 about all the facts before we make any decisions?
23 A. I think the idea of the way you are framing
24 the question, you know, showing restraint and inquire
17:39:48 25 all the facts, that again, would imply that somehow

41 (Pages 158 to 161)

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Kshama Iyengar Sawant

January 12, 2023

Page 162	Page 164
<p>1 you weren't aware of, one, what had happened to Che</p> <p>2 Taylor. You know, if I hadn't watched the video and</p> <p>3 understood what had happened, then I would -- and</p> <p>4 again, the same with Charleena Lyles. If I had not</p> <p>17:40:10 5 known the facts of how she was killed, then obviously</p> <p>6 I would say, Yes, you know, we should, we should --</p> <p>7 you know, let's look into what happened.</p> <p>8 However, at that moment, it was my</p> <p>9 opinion, and, as I said, it's still my opinion, that</p> <p>17:40:23 10 what happened to Che Taylor was absolutely shocking</p> <p>11 and unjust. It was an execution-style killing, and</p> <p>12 that is why I used the word "murder," not in legal</p> <p>13 sense, and I still use that.</p> <p>14 Q. Ma'am, you only saw the video. You don't</p> <p>17:40:37 15 know any of the other context about what was</p> <p>16 happening; right?</p> <p>17 ATTORNEY IGLITZIN: Are we talking about</p> <p>18 2016, 2017, or --</p> <p>19 ATTORNEY SINGLA: Now, when she said she</p> <p>17:40:45 20 saw the video.</p> <p>21 Q. You saw the video, and you don't know any</p> <p>22 context --</p> <p>23 ATTORNEY IGLITZIN: "You don't know," I'm</p> <p>24 not clear. Do you mean you didn't know --</p> <p>25 Q. You didn't know, yeah --</p>	<p>1 Q. Let me know however many times you want to</p> <p>2 see it. We'll blow up the screen. We can even slow</p> <p>3 it down, if you want.</p> <p>4 (Video playing.)</p> <p>5 Q. Do you want to see it again?</p> <p>6 A. (Witness shakes head.)</p> <p>7 Q. Now we've seen the video twice. You can't</p> <p>8 tell what Che Taylor is doing behind that opening car</p> <p>9 door; right?</p> <p>10 A. Yes, you can. You can see him -- I mean,</p> <p>11 obviously when he's down, you cannot.</p> <p>12 But the whole point is that he was, you</p> <p>13 know, he was trying to comply with the police</p> <p>14 officers, and it all happened in a flash, how it</p> <p>17:43:17 15 happened in a couple of seconds. That is not, that is</p> <p>16 not what should happen at the hands of the police.</p> <p>17 Q. You could not tell in that video what Che</p> <p>18 Taylor was doing when he was behind that car door;</p> <p>19 correct?</p> <p>20 ATTORNEY IGLITZIN: Object to the form of</p> <p>21 the question.</p> <p>22 Q. Go ahead.</p> <p>23 A. It's very clear that he was killed in a</p> <p>24 matter of one or two seconds, and that is absolutely</p> <p>17:43:41 25 not acceptable. It is absolutely shocking, and it</p>
Page 163	Page 165
<p>1 ATTORNEY IGLITZIN: -- in 2016?</p> <p>2 Q. You didn't know in 2016 when you saw the</p> <p>3 video what was happening; right?</p> <p>4 A. Again, I don't understand the meaning of the</p> <p>17:40:59 5 question, because in the sense that the video was very</p> <p>6 striking.</p> <p>7 Q. Okay.</p> <p>8 ATTORNEY SINGLA: Let's pull up the video.</p> <p>9 We're going to add this as an exhibit.</p> <p>17:41:25 10 Q. This is the video you saw before February</p> <p>11 25th, 2016; right?</p> <p>12 (Video playing.)</p> <p>13 Q. That's the video you are talking about;</p> <p>14 right?</p> <p>17:41:56 15 A. I mean, it's been a long while, but, yes.</p> <p>16 Q. In that video, you don't know what Che Taylor</p> <p>17 is doing behind that car door; right?</p> <p>18 A. I couldn't see it properly just now.</p> <p>19 Q. Let's play it again.</p> <p>17:42:11 20 ATTORNEY IGLITZIN: It's pretty hard on</p> <p>21 that tiny screen.</p> <p>22 THE WITNESS: Yeah, it is.</p> <p>23 ATTORNEY IGLITZIN: I've seen the video</p> <p>24 before.</p> <p>17:42:17 25 A. Yes.</p>	<p>1 really does seem like an execution-style killing.</p> <p>2 Q. Not my question. My question was: You</p> <p>3 cannot tell what Che Taylor was doing behind that car</p> <p>4 door in that video; correct?</p> <p>5 ATTORNEY IGLITZIN: Object to the form of</p> <p>6 the question.</p> <p>7 Q. Go ahead.</p> <p>8 A. I mean, it's obvious there was no time for</p> <p>9 anybody to even see what he was doing. You know, it's</p> <p>17:44:08 10 immediately he is being shot dead.</p> <p>11 Q. The officers, on the other hand, were in</p> <p>12 front of Che Taylor, and they could have told what he</p> <p>13 was doing; right?</p> <p>14 A. Again --</p> <p>15 ATTORNEY IGLITZIN: Objection. Calls for</p> <p>16 speculation.</p> <p>17 Q. Sorry. I'll rephrase the question.</p> <p>18 The officers, on the other hand, were in</p> <p>19 front of Che Taylor; right?</p> <p>20 A. They were in front of Che Taylor, yes. But</p> <p>21 again, sorry, I don't agree with the way you are</p> <p>22 asking the question in the sense, yes, they were in</p> <p>23 front, but whether they're speaking the truth or not,</p> <p>24 I don't know. And in fact, given the long track</p> <p>17:44:47 25 record of injustice at the hands of the police,</p>

42 (Pages 162 to 165)

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Kshama Iyengar Sawant

January 12, 2023

Page 166		Page 168	
1	there's no reason to in any case --	1	ATTORNEY SINGLA: It's my question. You
2	Q. I'm going to show you this video --	2	can object to it.
3	ATTORNEY SINGLA: And I've stopped it,	3	Q. Have cleared the officers in the
4	Dmitri, if you want to take a look at it. I've time	4	wrongdoing --
17:45:02 5	stamped and stopped it.	17:47:27 5	ATTORNEY SINGLA: And I'm going to start
6	Q. This is a position of where the officers	6	the question again, so you can make your objection
7	were, and Che Taylor was now behind the door, behind	7	afterwards.
8	the passenger's door.	8	Q. As you sit here today, we've gone through
9	A. To be really honest, this is a very bad	9	everything -- well, not everything, but as much as
17:45:16 10	quality video. I mean, it's very hard to tell what's	17:47:37 10	time would apply. And you know that the inquest
11	happening. I'm trying to do my best.	11	hearing cleared the officers of wrongdoing, in the
12	Q. This is the dash cam video --	12	sense that Dan Satterberg has declined to follow up,
13	A. Yeah, I know, but on your laptop it's --	13	or the King County prosecutor's office has declined to
14	Q. Well, all I can tell you is, this is the dash	14	follow up with any criminal charges. Are you still
17:45:29 15	cam video that was released to the public between	17:47:54 15	saying that Che Taylor's killing was a murder, which
16	February 21st and 25th. So if you watched a video,	16	means a wrongful killing that should be considered
17	unless you had access to other dash cam videos, that	17	criminal?
18	was the video.	18	ATTORNEY IGLITZIN: I'm going to object to
19	ATTORNEY IGLITZIN: She might have had	19	the question, because it includes several assertions
17:45:43 20	access to a larger computer screen.	17:48:06 20	which are factually untrue.
21	ATTORNEY SINGLA: Sure.	21	But you can go ahead and answer the
22	ATTORNEY IGLITZIN: Counsel, the video	22	question.
23	speaks for itself.	23	A. Sorry. Can you ask the question again?
24	ATTORNEY SINGLA: You can make your	24	Q. I'll break it down. I'm going to break it
17:45:50 25	objection to the form.	17:48:17 25	down in parts. I'm not going to ask it for a
Page 167		Page 169	
1	Q. My question is: I've stopped the video. Che	1	response. I'm just going to break it down in parts so
2	Taylor at this point is behind the door. The one	2	you can understand what I'm saying.
3	officer is behind the car. The other officer is	3	ATTORNEY SINGLA: If it's okay with you,
4	behind the rear passenger side. And the question I	4	can you waive your objection on compound, so I can
17:46:06 5	had to you was: You can't tell, as you see a still of	17:48:32 5	break it down in parts?
6	this video, what Che Taylor was doing behind that car;	6	A. I think -- sorry.
7	correct?	7	Q. So this is where we are: We are where there
8	A. What I can tell is the fact that heavily	8	has been an inquest in February of 2016. A jury has
9	armed police immediately gunned down to death an	9	answered questions. A jury has found that Che Taylor
17:46:25 10	individual. That's a fact. It's a fact that Che	17:48:46 10	posed a threat to at least one of the officers. The
11	Taylor was killed, and I believe --	11	King County prosecutor's office has looked at the
12	I don't agree with you, because I believe	12	results of the inquest and has declined to file
13	that we cannot have a society where people are gunned	13	charges against the officers. And as you are sitting
14	down in this manner, and that is why -- and this is	14	here today, it is still your position that Che Taylor
17:46:43 15	hardly my individual opinion. You've had years of	17:49:04 15	was murdered, and according to your definition, which
16	mass movement around this very issue. So you know,	16	would mean a wrongful killing that should be
17	I'm on very safe ground based on statistical evidence	17	considered criminal?
18	that this was absolutely wrongful, and it should be	18	ATTORNEY IGLITZIN: Same objection as
19	considered criminal.	19	before: compound, assumes facts not in evidence.
17:47:01 20	Q. So we've sat here today -- I mean, I think	17:49:17 20	If you understand the question, you can
21	the answer, I think I got it. But we have sat here	21	answer.
22	today, and you now know and we discussed it, that the	22	A. Yeah, I will respond to the question.
23	inquest hearing and the juries in the inquest hearing	23	I've said this -- I believe I answered
24	cleared the officers of any wrongdoing. I know it's	24	this question already many times today, but I will say
17:47:21 25	your --	17:49:26 25	it again. I do believe now, as I did then, that what

43 (Pages 166 to 169)

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Kshama Iyengar Sawant

January 12, 2023

Page 170		Page 172	
1	happened in the case of Che Taylor was murder. And as	1	A. Yes.
2	I said, as I spoke then and as I'm speaking now, I'm	2	Q. So in that concept, I explained to you that
3	speaking not as a lawyer, not as a judge, but as an	3	that wasn't a criminal process. That was a civil
4	elected representative and as a layperson who believes	4	process, very much similar to the civil process we're
17:49:46 5	that that was absolutely unjust and should be	17:56:19 5	going to have here in this case, if this case goes to
6	considered criminal.	6	trial.
7	And as a matter of fact, there's nothing	7	And my question was, and this is what I'm
8	astounding about this at all, because as I've said, it	8	really wondering is: If you are not willing to accept
9	is hardly an isolated case. This is -- unfortunately,	9	a jury in a civil process like an inquest process,
17:50:00 10	it's deeply tragic that what happened to Che Taylor	17:56:34 10	will you be able to accept a jury's decision in this
11	was far from the only one and is part of a long litany	11	process, which is also a civil process, and merely not
12	of statistics of police accountability.	12	an inquest process, but the same civil process in
13	Q. You used the word "believe" three times in	13	public? People are going to testify under oath.
14	that particular response, that you believed it then,	14	Evidence is going to be given. Will you be able to
17:50:22 15	you believe it now. You did not use that same word	17:56:52 15	accept this?
16	"believe" in your February 2016 transcript of your	16	ATTORNEY IGLITZIN: Object to the form of
17	speech or your June 2017 speech; right? You never	17	the question. Assumes facts not in evidence, and
18	used the word "believed it was murder"; correct?	18	makes various assertions that are disputable.
19	ATTORNEY IGLITZIN: Object. Compound.	19	You can go ahead and answer.
17:50:41 20	Asked and answered.	17:56:59 20	A. Yes, I will answer.
21	Q. Go ahead.	21	One, just to clarify. When I say
22	A. I've already answered this question many	22	"criminal justice system," and you keep saying, This
23	times, that in the speech, I do believe that what you	23	is civil, this is criminal, you are speaking as a
24	are asking is a little bit absurd, in the sense that	24	lawyer. I'm speaking as a layperson, and specially as
17:50:54 25	everybody who's listening to me speak as an elected	17:57:12 25	a socialist, who believes a lot is wrong under the
Page 171		Page 173	
1	representative understands, whether they agree with me	1	system of capitalism. And so when I say "criminal
2	or not, that what I'm speaking is something I believe	2	justice system," I want just to clarify, that I'm
3	or I agree with. Not that I would be talking about	3	talking about the status quo as a whole, economic
4	something that I don't actually believe but somebody	4	outcomes for most people, also the legal system.
17:51:10 5	else believes and I'm channeling them. No. Obviously	17:57:28 5	You know, so you may make a distinction
6	what I'm talking about is what I believe.	6	between civil and criminal, but it's still the legal
7	ATTORNEY SINGLA: Can we take a break?	7	system. In that sense, what I'm saying still applies,
8	ATTORNEY IGLITZIN: Yeah. Let me ask a	8	and I didn't mean to misspeak. I did mean what I
9	question while we're on the break.	9	said, which is that in the legal system under
17:55:09 10	(Recess.)	17:57:42 10	capitalism, I don't think that the majority of
11	ATTORNEY IGLITZIN: Counsel, give your	11	ordinary people get any kind of justice, especially
12	best shot here. I'm withdrawing my instruction not to	12	for people of color in the context of the United
13	answer. You'll probably repeat the question, and then	13	States.
14	I'll have a new objection.	14	And so when you say, Well, you are not
17:55:34 15	Q. The question was, when we were talking about	17:57:55 15	accepting this inquest in the first place, will you
16	this, Councilmember, and we were talking about whether	16	accept this, just to clarify: Even in the case of the
17	or not you accepted the results of the jury in the	17	inquest, it's not that I'm living on another planet
18	inquest process, do you remember when we were talking	18	and I'm in denial of the facts. Of course those are
19	about that?	19	the facts. But politically, do I -- and in terms of
17:55:52 20	A. I remember.	17:58:11 20	social justice, do I accept that it was the correct
21	Q. And you had said that even though the jury	21	thing? No, I don't. So there's a distinction between
22	had come out with the process, you didn't believe that	22	the two. It's the same thing that applies for your
23	adequately addressed the underlying issues of race and	23	question about would you accept a decision in this
24	social justice and police brutality, just to use that	24	particular case that we're talking about. My response
17:56:07 25	word.	17:58:27 25	would be similar, in the sense that would be deeply

44 (Pages 170 to 173)

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1 unfortunate. In my view that would be just like it
2 happened for so many people and has happened for so
3 many people under the legal system of capitalism in
4 the U.S., many miscarriages of justice have happened.

17:58:46 5 So if your question is, would I accept it
6 as matter of fact, yes, of course. I'm not going to
7 be in denial of fact. I'm not going to live on
8 another planet. But in that sense, yes, that would be
9 true. But it will also be deeply unfortunate.

17:58:59 10 And also I think a lot of the history of
11 the legal system has shown that verdicts are
12 overturned when they're found to have been unjust,
13 untrue, inaccurate, and that sort of thing. So those
14 things happen also, and it's possible that could
17:59:17 15 happen in this case.

16 And also the judgment of history is also,
17 is also there, and I care deeply about that. History
18 will decide, you know, future generations will decide
19 whether something was just or unjust, and I will keep
17:59:31 20 going on in terms of what I believe is correct.

21 Q. Okay. That's all I have.

22 ATTORNEY IGLITZIN: All right.

23 (Deposition adjourned at 5:59 p.m.)

24 (Signature reserved.)

25 * * *

CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned Registered
Professional Reporter and Washington Certified Court
Reporter, hereby certify that the foregoing deposition
upon oral examination of KSHAMA IYENGAR SAWANT was
taken before me on January 12, 2023 and transcribed
under my direction;

10 That the witness was duly sworn by me
11 pursuant to RCW 5.28.010 to testify truthfully; that
12 the transcript of the deposition is a full, true, and
13 correct transcript to the best of my ability; that I
14 am neither attorney for, nor a relative or employee
15 of, any of the parties to the action or any attorney
16 or counsel employed by the parties hereto, nor
17 financially interested in its outcome.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand and seal this date: January 19, 2023.

21 \S\ PEGGY FRITSCHY HAMILTON, RPR, CSR, CLR
22 Court Reporter in and for the State of
23 Washington, residing in Seattle. License expires
24 July 3, 2024.

1 SIGNATURE

5 I declare under penalty of perjury
6 under the laws of the State of Washington that I have
7 read my within deposition, and the same is true and
8 accurate, save and except for changes and/or
9 corrections, if any, as indicated by me on the CHANGE
10 SHEET flyleaf page hereof. Signed in.....WA
11 on the.....day of,, 2023.

15
16 KSHAMA IYENGAR SAWANT

18 Taken: January 12, 2023
19 PEGGY FRITSCHY HAMILTON, RPR,
20 CSR, CLR

Exhibit 2

LOCAL NEWS

Attorneys weigh in on police officers' lawsuit against Kshama Sawant

Aug 22, 2017, 4:47 PM | Updated: Aug 23, 2017, 10:53 am



BY MYNORTHWEST STAFF

The team that brings you MyNorthwest

[Two Seattle police officers are suing Kshama Sawant](#) for “having their reputations ruined by an ambitious politician, doing so for personal gain.”

Read the [lawsuit](#), filed by Williams, Kastney and Gibbs.

Former Attorney General Rob McKenna explains the lawsuit to [KIRO Radio's Jason Rantz](#). [Listen here](#).

Is suing Sawant personally an easier case to make?

McKenna: I think it's a pretty easy case to make that the councilmember was not acting in her official capacity when she accused them of being murderers. The analogy that I would use is that if she walked up to one of these officers and punched them in the face, that would not be part of her official duties. And the city would not be required or even allowed to defend her. Defamation is a different kind of assault. It's an assault on reputation.

What are the next steps in this case?

McKenna: They filed a complaint with superior court and Sawant will have to file an answer to that complaint. She'll probably talk to the City Attorney's office to find out whether they're going to provide a defense for her — by way of City Attorney or by hiring outside counsel to represent her on the City's nickel. What could happen is they decline to provide the City Attorney, which I think is appropriate.

Instead they'd tell her, 'You will hire your own attorney and then you can seek reimbursement from the City and we'll decide whether or not you're going to get it.'

How serious is this?

McKenna: It's pretty serious because accusing someone of murder is a very serious statement. In my opinion, the councilmember has crossed over from political rhetoric to defamation. I think the case can possibly be made, even though it is a high standard. There's not much to say about someone that's worse than accusing them of being a murderer. Maybe a rapist or child molester, etc. In this era we live in when people make reckless, inflammatory statements for political purpose — particularly when the statements are made by a public figure with the following that the councilmember has — I think the law ought to take it seriously. I think these officers should have a good case here. Having said that, it is a high standard. Proving that she knew the statements were false when she made them is a fairly heavy burden to carry. It may be that the sympathies of a jury or judge will be with the police officers here and they'll decide, in this case, that she should have known.

Seattle legal analyst Anne Bremner explains defamation to [KIRO Radio's Dori Monson](#). [Listen here.](#)

Are the police officers public figures?

Bremner: They are public figures and the law says so. There are varying degrees of public figures out there, but you can say, with certainty, that police officers fall in that category.

How does that change things in a defamation lawsuit?

Bremner: It basically means that they have a higher standard that they have to prove, in proving defamation. They have to prove actual malice — it's under a case called [New York Times vs Sullivan](#). Actual malice means a reckless disregard for the falsity of the statements or the truthfulness of the statements. Malice is a high standard admittedly, but it doesn't mean they can't sue. It just means they have a higher burden of proof in terms of the mental element of the one that defamed them.

Is calling the police officer murderers a reckless disregard for the truth by Sawant?

Bremner: Sure. The fact is that murder means a criminal act. She's not saying they're responsible for a death or that they killed or etc. She called them murderers, right? That basically means she's accusing them of criminal homicide. They have been cleared by inquest jury, that's a factual determination by that jury. They haven't been charged, criminally. So to call them murderers, clearly, is reckless.